

Report of the ILGA-Europe executive board 1998-1999

(25 October 1998-20 October 1999)

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A. BOARD MEMBERSHIP, MEETINGS AND ELECTION OF BOARD OFFICERS

The Executive Board elected at the 1998 Linz conference has consisted of **Nico Beger** (*Lesbenbereich Bündnis 90/Die Grünen*, Germany), **Adrian Relu Coman** (ACCEPT, Romania), **Tatjana Greif** (SKUC/LL, Slovenia), **Steffen Jensen** (*Landsforeningen for bøsser og lesbiske, LBL* The Danish National Association for Gays and Lesbians), **Kurt Krickler** (*Homosexuelle Initiative (HOSI) Wien*, Austria), **Jackie Lewis** (*National Lesbian and Gay Committee of UNISON*, the public sector trade union in the United Kingdom), **Alberto Volpato** (*ÉGALITÉ* Equality for Gays and Lesbians in the European Institutions), and **Maren Wuch** (*lesbian and gay liberation front (Iglf) Köln*, Germany).

As first reserve members were elected: **Christine Kirchberger** (*Rechtskomitee Lambda*, Austria) and **Luís Morais** (*Opus Gay*, Portugal), as second reserve members **Teresa Tavares** and **António Serzedelo** (both *Opus Gay*, Portugal).

The Board held five meetings during its period of office:

on 25 October 1998, immediately following the end of the Linz conference. Board members present: Nico Beger, Adrian Coman, Steffen Jensen, Kurt Krickler, and Jackie Lewis. Reserve members Christine Kirchberger and António Serzedelo also attended. It was agreed to postpone the elections to the positions of Co-Chairs and Treasurer to a later Board meeting so that all elected members of the Board could participate. It was then agreed to designate Jackie Lewis and Kurt Krickler to be acting Co-Chairs, Steffen Jensen to be acting Treasurer until then.

Since none of the elected Board members was of Belgian nationality, the Board appointed, as required by the Constitution, a Belgian national, **Pierre Noël**, as an ex-officio member of the Board. Pierre Noël also participated in this first Board meeting;

on 28 and 29 November 1998 in Brussels. Board members present: Adrian Coman, Tatjana Greif, Steffen Jensen, Kurt Krickler, Jackie Lewis, Pierre Noël, Alberto Volpato, and Maren Wuch. Jackie Lewis and Kurt Krickler were elected Co-Chairs, Steffen Jensen was elected Treasurer;

on 27 and 28 February 1999 in Brussels. All nine Board members were present;

on 8 and 9 May 1999 in Pisa. Board members present: Nico Beger, Adrian Coman, Steffen Jensen, Kurt Krickler, Alberto Volpato, and Maren Wuch. This board meeting was held in Pisa to also discuss the preparations for the next annual conference with the local host organisation, *Arcigay Pride!* on this occasion, the ILGA-Europe board had a meeting with Paolo Fontanelli, Lord Mayor of Pisa, on 8 May;

on 17 and 18 July 1998 in Brussels. Board members present: Nico Beger, Adrian Coman, Tatjana Greif, Steffen Jensen, Kurt Krickler, Jackie Lewis, Pierre Noël, and Alberto Volpato.

The Board will have another meeting on 20 October 1999 immediately before the start of the 21st ILGA European Conference in Pisa.

B. INTERNAL MATTERS

The bureaucratic process of registering ILGA-Europe as an international non-profit non-governmental organisation in Belgium has not been completed yet but, after further clarifying correspondence with the responsible Belgian Ministry of Justice, is due to be finished soon. In order to meet the requirements for registration under Belgian law, minor

editorial changes to the Constitution have been made as mandated by the Madrid ILGA European conference.

C. RELATIONS WITH ILGA-WORLD

The ILGA-Europe Board has been in regular contact with the ILGA-World Board, the two secretaries-general Jennifer Wilson and Jordi Petit as well as with Tom Hoemig, the administrator in the ILGA office in Brussels. Jordi Petit (*Coordinadora Gai-Lesbiana* in Barcelona) and Teresa Tavares (*Opus Gay*, Portugal) were elected in Linz to be the representatives of the European Region on the ILGA-World Board.

Jackie Lewis and Pierre Noël participated in the 19th ILGA World Conference in Johannesburg, South Africa, 19-24 September 1999.

D. LOBBYING THE EUROPEAN UNION

D1. Implementing Article 13 TEC

The Treaty of Amsterdam, which came into force on 1 May 1999, marks a significant milestone for lesbians and gay men in the European Union. The changes introduced by the Treaty include a new clause, Article 13, which covers discrimination on the grounds of sexual orientation, together with sex, racial or ethnic origin, religion, belief, disability and age. This is the first time that any express reference to discrimination on grounds other than sex or nationality has appeared in the Treaties. It follows extensive campaigning by non-governmental organisations, including ILGA-Europe.

Lobbying for a comprehensive implementation of Article 13 continued to be one of the most important activities of ILGA-Europe in the past twelve months. These activities followed and built upon the action of the previous year (see Board Report 97/98, item D4), such as the letters in early 1998 to the Foreign Ministers of all EU Member States highlighting the need for action on Article 13 to include sexual orientation discrimination. A detailed survey of ILGA-Europe's lobbying efforts on this issue is included in its publication "After Amsterdam: Sexual Orientation and the European Union A Guide" (see item D5).

On 3-4 December 1998, the European Commission (Directorate-General V) organised a conference in Vienna on "Article 13 Anti-discrimination: the way forward", bringing together representatives from the member states, statutory organisations and of social and human rights NGOs. The conference discussed the possible ways of implementing Article 13. It was also the occasion, when the Commission, through Social Affairs Commissioner Pádraig Flynn, for the first time, announced its proposals for a three-strand "package" to implement Article 13. ILGA-Europe was represented in this conference by Mark Bell and Kurt Krickler (a detailed report about the conference was published in *Euro-Letter* # 66, December 1998).

In May 1999, ILGA-Europe also sent letters to all members of the working group of high-level officials on non-discrimination, including a copy of ILGA-Europe's 1998 report "Equality for Lesbians and Gay Men". One of the main tasks of this working group set up by the EU Member States was to draw up a detailed picture of existing national anti-discrimination legislation. This mapping exercise resulted in national reports on such legislation and relevant shortcomings at the national level. The input from this working

group had certainly influenced the Commission proposals for further action to implement Article 13.

In May 1999, Nico Beger and Kurt Krickler met representatives of the German EU Presidency in Bonn to discuss, among other things, Article 13 and the plans for the elaboration of an EU Bill of Rights. In June, ILGA-Europe has also written to the Finnish EU Presidency asking for a meeting to discuss various topics of relevance but no appointment has been fixed at the time of writing this report.

DG V, responsible for preparing the Commission proposals, had also set up a Social Policy Forum follow-up **working group on anti-discrimination** with representatives of the Platform of European Social NGOs and of the social partners (the ETUC, UNICE and CEEP). The first meeting in March 1999 discussed the general approach of the three-strand package. For the second meeting in May, DG V, for the first time, presented detailed "discussion papers" summarising the proposed content of each strand of the package. ILGA-Europe participated in both meetings as one of the representatives of the Platform. While ILGA-Europe welcomed the proposal for a horizontal directive to forbid discrimination in employment on all grounds mentioned in Article 13 and the proposed action programme aimed at combating discrimination on all Article 13 grounds, ILGA-Europe criticised the proposal for a directive to prohibit discrimination in other areas of EU competence but limited to the grounds of racial or ethnic origin. ILGA-Europe proposed that this one-ground approach be extended to cover all Article 13 grounds. Alberto Volpato and Kurt Krickler conveyed this view to Odile Quintin, director-general of DG V, in a meeting with her in Brussels on 22 April 1999. A written submission on the implementation of Article 13 was also handed over to Ms Quintin on that occasion. In July, ILGA-Europe wrote again to Ms Quintin to submit ILGA-Europe's detailed response to DG V discussion papers on the two legislative proposals and a framework programme presented in May (see above).

Due to the resignation of the Commission in mid-March 1999, its proposals have not been submitted to the Council of the European Union yet. This will first be done by the new appointed Commission but is planned to happen before the end of 1999.

Also the European Parliament's Equal Rights for Gays and Lesbians Intergroup continued with ILGA-Europe's support to work for a comprehensive implementation of Article 13. In March 1999, the Parliament's **Committee on Employment and Social Affairs** adopted the working document "A Framework for Action on Non-discrimination at EU Level Based on Article 13 of the Amsterdam Treaty". This document, drafted by vice-chair Outi Ojala and chair Stephen Hughes as rapporteurs after consultation with ILGA-Europe, presents detailed proposals for action by the Council, Commission and Member States. However, it has not been adopted by the EP Plenary, which would have made it more influential.

On 28 April 1999, there was another joint meeting of the Intergroups on Disability and Ageing and on Equal Rights for Gays and Lesbians, in which also representatives of the Commission and NGOs participated, to consider the "package" presented by Commissioner Flynn and possible strategies for co-ordinating lobbying activities. Alberto Volpato attended on behalf of ILGA-Europe.

Additionally the **Platform of European Social NGOs** has provided a forum for continuing discussion between its member organisations on the use of Article 13 and on a common strategy for lobbying to achieve effective and comprehensive implementation measures. ILGA-Europe has been a member of the Platform working group set up to discuss these issues and to prepare a common response to the Commission proposals. This working group met on 11 May and 22 June in Brussels. The common response was finally

adopted in the Platform's steering group meeting on 20 September and will be finalised and submitted to DG V in October 1999.

D2. Other co-operation with DG V

As a member of the Platform of European Social NGOs, ILGA-Europe has been involved in a series of other meetings organised by DG V in Brussels. On 6 and 7 May, ILGA-Europe attended the Round-Table-Conference *Towards a Europe for all: How should the Community support Member States to promote social inclusion?*, on 18 May a *Briefing on Funding Issues for Members of the Platform*, and on 28 May a *Meeting to discuss preparatory actions for the implementation of Article 13 on non-discrimination*. The latter was a kind of consultation and orientation of Platform members with regard to the preparation of a call for proposals related to the preparatory measures to the framework programme to combat discrimination (one of the three Article 13 proposals of the Commission, see item D1). This call was released in summer 1999, and ILGA-Europe made a joint project application together with *UNITED for Intercultural Action and Mobility International* under this call for proposals (see below item D6).

On 2 June 1999, ILGA-Europe attended a one-day meeting between DG V and the Platform of European Social NGOs to discuss current topics in the co-operation. This kind of meeting is supposed to become a regular half-yearly meeting.

On 9 September 1999, DG V organised a seminar for representatives of organisations that had carried out projects funded by the Commission under certain budget-lines dealing with social exclusion and civil dialogue in 1997/98. Since ILGA-Europe had carried out such a project *Equality for Lesbians and Gay Men* (see item D4), Pierre Noël and Kurt Krickler attended this meeting, too.

All these meetings helped establish ILGA-Europe as the European gay and lesbian lobby at EU level and to strengthen its status as an NGO that is doing reliable and continuous work in Brussels.

D3. Other activities at European Commission level

While DG V, responsible for social affairs, is the obvious partner and counterpart of ILGA-Europe, there are nevertheless other DGs that are relevant in the work of ILGA-Europe. For instance, it was DG X that selected a project proposal of ILGA-Europe for funding (see item D5) it was the second project for which ILGA-Europe has received funding from the EU Commission.

In January 1999, ILGA-Europe was awarded "consultative status towards the Information Society Forum for all questions related to the treatment of lesbians and gays (ie: sexual orientation-based discrimination) in the context of the Information Society". The Information Society Forum is a consultative body to the DG XIII dealing with all issues relevant for the "information society". ILGA-Europe had lobbied for becoming an official member of the Society (and met with a representative of DG XIII in Vienna on 17 November 1998), but no decision has yet been made in this respect.

ILGA-Europe has also asked the Commission to take on the honorary patronage of the 21st ILGA European conference in Pisa, Italy, in October 1999. While the Commission did not react to this request at the time of writing this report, it decided that Mr Rosendo

González Dorrego, head of DG V Unit D/2, will address the conference on behalf of DG V's acting deputy director-general, Ms Odile Quintin.

On 27 April 1999, ILGA-Europe attended the European Forum *A European Charter of Fundamental Rights Contribution to a Common Identity*, organised under the German EU Presidency by the German Federal Ministry of Justice and the Representation of the Commission in Germany. At this seminar in Cologne, the report of the expert group on fundamental rights, led by Professor Simitis, *Affirming Fundamental Rights in the European Union: Time to Act*, was presented. This expert group had been appointed by the Commission to examine the fundamental rights under the Treaties after Amsterdam, and the possible inclusion of a Bill of Rights in the next Treaty revision. The report makes specific recommendations for the inclusion of guaranteed rights, including the right of non-discrimination on the grounds of sexual orientation. The European Union, at its Cologne summit in June 1999, has decided to start the process of drawing up a draft for such a Charter to be debated during the next intergovernmental conference scheduled for 2000. The text of this Charter is to be considered at the European Council meeting in Paris in December 2000, where it will be decided whether, and if so, how the Charter would be incorporated in the Treaties. Lobbying for the inclusion of a non-discrimination clause covering explicitly sexual orientation in such a Charter must be a priority for ILGA-Europe in the next year (see also *Euro-Letter # 71*, June 1999).

D4. Equality For Lesbians And Gay Men Project

The first European Commission funded project of ILGA-Europe was successfully concluded shortly after the Linz conference, in November 1998. The project was also presented in detail in the Board Report 97/98 (item D2). The project was funded under EU budget-line B3-4101 ("measures to promote co-operation with charitable associations, non-governmental organisations and associations dealing with the interests of the elderly"), administered by DG V.

The initial objectives of the project were the following:

- a) to develop and strengthen links and dialogue between ILGA-Europe and other non-governmental organisations working on social and human rights issues at a European level;
- b) to produce a report on the legal and social situation of lesbians and gay men in all member states of the European Union, outlining examples of progressive legislation and policies as well as existing discrimination;
- c) to promote the exchange of information and experience between lesbian and gay organisations in the Member States and the development of good practice.

All these objectives were successfully achieved.

The project consisted of two parts:

1. the publication of a report on the legal and social situation of lesbians and gay men in all EU Member States; this report, entitled *Equality For Lesbians And Gay Men A Relevant Issue In The Civil And Social Dialogue*, contains 15 country reports but also a chapter on recent developments in EU law and policy on sexual orientation discrimination, and a general contribution tackling various issues relevant in the civil and social dialogue such as youth, age, children and families, employment, poverty and economy, housing, disabled people, racism, migrants and asylum. The report also

formulates a range of recommendations directed both at other NGOs, the social partners, the Member States and the European Union.

The report was printed, as part of the project, in three languages: English (2,500 copies), German (500) and French (500). Additionally, Spanish ILGA member *Fundación Triángulo* produced a Spanish translation of the report and received funding from Spanish regional authorities to print the Spanish version. The report has been made available in all four languages at the web-site of ILGA-Europe;

2. the organisation of two one-day meetings with representatives of other European social and human rights NGOs to provide information about gay and lesbian concerns to those NGOs, to discuss issues of common interest, to build up and increase co-operation and to form stronger alliances between them and ILGA-Europe. These two meetings were held in Brussels on 25 May and 30 November 1998. Although the attendance at these meetings was not as high as ILGA-Europe had expected and would have liked to be, the workshops were very constructive and useful. Both workshops were attended by fourteen participants from a wide range of NGOs such as the European Women's Lobby, the International Planned Parenthood Federation, EuroLink Age, European Disability Forum, Youth Forum, European Social Action Network, Forum Permanente de la Société civile, Solidar, European Human Rights Foundation, as well as the European Trade Union Confederation.

The European Commission funded 60 % of the project, i. e. 35,621 euros, ILGA member *HOSI Wien* raised 5,085 euros from Austrian government agencies, the various authors of the report contributed altogether 16,600 euros in kind. Donations of more than 2,000 euros from various ILGA members completed the project budget. The accounts of the project have been sent out with the second mailing for the Pisa conference and are available at ILGA-Europe's web-site.

D5. After Amsterdam Project

As already mentioned in the Board Report 97/98 (item D3), ILGA-Europe submitted another project application in June 1998, this time under the DG X administered "Information Programme for European Citizens (PRINCE) Building Europe Together". In December 1998 the project was selected, it will be granted financial assistance of up to 35.585 euros (50 % of the total project costs). This project is part of the ILGA-Europe follow-up work on Article 13 (see Board Report 97/98, item D4, and above item D1).

Again, this project consists of two parts:

the publication of a Guide to the Amsterdam Treaty with regard to sexual orientation discrimination in four languages: English (5,000 copies), French, German and Spanish (1,000 copies each);

a seminar *The Treaty of Amsterdam New Opportunities for Protection from Sexual Orientation Discrimination under Article 13* to which one lesbian and one gay activist, leader and/or journalist from each of the 15 EU member states and 11 candidate countries were invited to attend.

This project is being completed at the time of writing this report. The Guide entitled "After Amsterdam: Sexual Orientation and the European Union" has been published in all four languages and is now available both in print and at ILGA-Europe's web-site. The Guide was written by experts Sejal Parmar, Mark Bell and Kees Waaldijk and board members Jackie Lewis, Kurt Krickler and Alberto Volpato.

Article 13 ends any doubt about whether the Community has the legal competence to adopt legislation and policies to address discrimination on the grounds listed within it. The debate is now about what action can and should be taken. ILGA-Europe has therefore produced this guide as a contribution to that discussion and to promoting wider participation in it. Main topics covered by the guide include: What does Article 13 mean? What are the implications of the new Treaty? What opportunities does it offer for concrete action on discrimination?

The guide contains a number of chapters. They provide information on the background to the Amsterdam Treaty, introduce some of the key changes it makes, explore the scope and limitations of the anti-discrimination clause and the other new provisions relating more generally to human rights, and examine the potential for measures to address sexual orientation discrimination in various EU policy areas. Other chapters provide information on obtaining documents to assist in lobbying, outline developments since Amsterdam, and set out ILGA-Europe's recommendations for action under the current Treaty framework. As preparations for the next Treaty revision negotiations are already being made, the guide also includes proposals for further changes to promote equality and human rights.

The one and half-day seminar was scheduled to take place in Vienna on 2-3 October 1999 and gather around 50 people discussing the new opportunities offered by the Treaty of Amsterdam and new strategies to use these new possibilities in the fight against sexual orientation discrimination.

The accounts of the project have not been finalised, thus the final financial support of the Commission has not been established yet. *HOSI Wien* raised again funding for this project from Austrian government sources, amounting altogether to 16,715 euros, and took on the practical organisation of the seminar. Financial contributions were also received from the Danish *Pan-Fonden* and *UNISON*, the public sector trade union in the United Kingdom, and from the following ILGA members that became project partners: *HOSI Wien*, *LBL*, *ÉGALITÉ*, *SETA*, *LSVD*, *Fundación Triángulo*, *RFSL*, *Stonewall*.

D6. New project application

In September 1999, ILGA-Europe has joined, together with *Mobility International*, a project application under the EU Commission's call for proposal VP/99/016, which *UNITED for Intercultural Action* has submitted as the lead partner. This call for proposal is aimed at "preparatory measures aimed at combating and preventing discrimination in accordance with Article 13 of the Treaty". It is the first call for proposals ever to explicitly include sexual orientation discrimination in its setting. Pre-conditions for projects to be selected are that they address more than one ground of discrimination listed in Article 13 and build on transnational partnership. That's why ILGA-Europe chose to co-operate with *UNITED*, the *European network against nationalism, racism, fascism and in support of migrants and refugees*, and *Mobility International*, a federation of organisations of and for disabled people. The project is called "Stepping Stones and Roadblocks" and shall compare successes and failure factors in action against discrimination of the various grounds. A decision on whether the project is selected is to be expected in November 1999.

D7. Work with the European Parliament

ILGA-Europe continued to closely work together with the Equal Rights for Gays and Lesbian Intergroup of the European Parliament. It attended all monthly Intergroup meetings in Strasbourg between November 1998 and May 1999, except from the April meeting. There was, however, no meeting in December, and the May meeting was the last one before the election of the new Parliament. At the time of writing this report, the Intergroup has not yet been re-established.

The implementation of Article 13 (see above item D1) was the main issue debated in the intergroup, the January meeting being completely dedicated to the reports from the Vienna Article 13 conference in December 1998.

Another important issue was discussed in the March meeting which was attended by Commissioner Erkki Liikanen, responsible for personnel: the state of affairs with regard to the recognition and equal treatment of same-sex partnerships of staff members of the European institutions, a matter that was highlighted by the judgment of the EU Court of First Instance in the Sven Englund case, delivered on 28 January 1999 (see item D8 below). Liikanen announced that the Commission would prepare a communication on a revision of the Staff Regulations by the end of April providing for the equal treatment of (Danish, Swedish and Dutch) registered partnership with marriage. However, a couple of days later, the Commission resigned.

ILGA-Europe gave also administrative support to the Intergroup, giving brainstorming input for the programme, writing the minutes of most of the meetings, and doing other secretarial work.

Building upon the intergroup contacts, ILGA-Europe also worked jointly with several political groupings to draft amendments to various EP reports, such as to the Anne-Marie Schaffner report (A4-0468/98) for the Committee on Civil Liberties and Internal Affairs on the respect of human rights in the European Union in 1997. Several of these amendments addressing discrimination of lesbians and gay men were adopted by the EP on 17 December 1998 (see also ILGA-Europe's press release published in *Euro-Letter* # 66, December 1998).

In January, ILGA-Europe contacted MEP Veronica Palm, shadow rapporteur in the Socialist group (PSE) for the De Coene report on youth programmes, highlighting the issue of discrimination against lesbian and gay youth.

In February, ILGA-Europe was again involved in drafting amendments to two reports scheduled for debate and vote in the plenary. The Klaus-Heiner Lehne report (A4-0045/99) on a draft Convention on rules for the admission of third-country nationals to the Member States dealt with family reunion (and the definition of family members). The Michèle Lindeperg report (A4-0450/98) dealt with harmonisation of forms of protection complementing refugee status in the EU. All amendments referring to the specific situation of lesbians and gay men in the various situations, which were tabled by the European Radical Alliance and the Green Group, were, however, defeated because the majority of the PSE voted against them.

On 24 March, ILGA-Europe participated in the Interparliamentary Conference of the EP Committee on Civil Liberties and Internal Affairs: *Freedom, Security, Justice: An Agenda for Europe* in Brussels. Kurt Krickler made an oral statement (see Euro-Letter # 69, April 1999). As a follow-up, ILGA-Europe sent copies of its *Equality* report to several MEPs attending this conference.

In May 1999, ILGA-Europe met Alexander Kleinig from the Secretariat of the Parliament's Social Affairs Committee to discuss opportunities of EU funding for ILGA-Europe. This

issue was also followed-up by Platform activities in August and September 1999 to lobby the new Parliament to include specific budget-lines in the EU budget for 2000.

In August 1999, ILGA-Europe wrote to several members of the new Parliament requesting them to raise the issue of the implementation of Article 13 in the hearings of the designated Commissioners. British Labour MEP Michael Cashman responded to this request and raised the issue in the hearings of Viviane Reding and António Vitorino. He also offered a meeting with ILGA-Europe.

D8. Other activities at European Union level

In February 1999, ILGA-Europe issued a press release on the judgment of the European Court of First Instance in the Sven Englund case (T-264/97, D. v. Council, see above item D7). The full text of the press release has been published in *Euro-Letter* # 67 (February 1999).

ILGA-Europe has requested to be invited to the Conference of the European Economic and Social Committee (ESC, also referred to as ECOSOC) *The role and contribution of organised civil society in European integration* to be held in Brussels 15-16 October 1999. The ESC is a consultative body made up by employers, workers and various interest groups; it supports the work of the Council and the Commission of the European Union and must be consulted on a wide range of Community policies.

E. LOBBYING THE COUNCIL OF EUROPE

This section marks the first full year of ILGA-Europe's work with the Council of Europe, following the granting of consultative status in 1998. This first year has indeed been an extraordinary one: ILGA-Europe found itself faced with three major, indeed perhaps even historic, issues. A factual description of these events is given in separate sections below. Some general observations are as follows:

The first of these issues to hit ILGA-Europe was the discovery that the leading candidate for the position of Secretary-General, Walter Schwimmer, had a bad record on lesbian and gay rights in his national Parliament. ILGA-Europe was faced with an interesting decision: should it make a stand of principle and campaign against his election, taking the risk that the candidate in question would be elected despite these efforts, and then, thoroughly antagonised, use his influence to frustrate progress in the LGBT rights over the next five years? Or should ILGA-Europe simply ignore his past record, and hope that it would not be repeated in his new job? At the Linz conference, ILGA-Europe chose the former, and the result was one of the most hotly contested election campaigns in the history of the Council of Europe, with Walter Schwimmer, who at the start had been assured of a big majority, winning by just two votes.

It taught us many things about the Council of Europe: the extent to which the self-interest of political groupings and individuals can conflict with the basic human rights objectives of the Parliamentary Assembly; the fact that even many of our supporters have difficulty in bringing themselves to treat our rights as seriously as the rights of other groups in society; and that, amongst the self-interest and cynicism, there are some parliamentarians willing to make extraordinary efforts in support of human rights, including our human rights. It also taught us about our own strength: the combination of lesbian and gay organisations willing to campaign at the national level, with co-ordination

at the European level, is very powerful. Indeed, we were complimented on the effectiveness of the campaign by parliamentarians from several different countries. This was genuinely the achievement of a united international movement.

Only time will enable us to assess all the positive and negative consequences of this campaign. But there are two immediate obvious benefits: it is unlikely that any country will again propose a candidate for the position of Secretary-General who has a demonstrably bad record on LGBT rights; and, from a narrower perspective, there can be few people at the Council of Europe who are not familiar with ILGA-Europe.

The second important issue was the discovery that the Committee of Ministers was in the process of broadening the anti-discrimination article of the European Convention on Human Rights. This article had not been changed in the nearly 50 years existence of the convention. An opportunity had arisen to argue for the inclusion of sexual orientation and gender identity in this article which might not arise again for decades.

Perhaps the main learning point for us was the difficulty of having any influence whatsoever on developments that take place in the many intergovernmental committees that report to the Committee of Ministers. The proceedings of these committees are secret, and only the slightest details are ever published. By the time anything substantive is published, it is too late to have any influence. To find out about important developments requires continuous scanning of the Council of Europe web-site for clues, followed up by close questioning of contacts at Strasbourg. It is disappointing to find that, in an organisation dedicated to human rights, freedom of information is a totally alien concept.

The third important event, still in the early stages, is the proposal within the Parliamentary Assembly to prepare a Report and Recommendation on discrimination against lesbians and gays. Again, this is an historic opportunity: There has been only one such project before, and that nearly 20 years ago. We cannot expect another such opportunity for many years.

At the end of our first full year of involvement with the Council of Europe, one conclusion stands out very clearly: in the long term the European Court of Human Rights is by far the most effective of the various institutions at the Council of Europe for promoting change. We will need to be creative in developing Europe-wide strategies to make individuals and organisations aware of the possibilities, and to encourage them to take cases.

E1. Parliamentary Assembly

(i) Proposed Report and Recommendation on the situation of lesbian/gay couples with regard to asylum and migration

In 1997 an Austrian parliamentarian, Ms Irmtraut Karlsson, tabled a motion for a resolution on the situation of lesbian/gay couples with regard to asylum and migration. It is hoped that in due course this will lead to a Recommendation by the Parliamentary Assembly supporting the recognition of sexual orientation as a ground for asylum, and of the right of bi-national lesbian and gay couples to live together. ILGA-Europe and its member organisations collected the information on the situation in different countries in Europe for the Report.

(ii) Proposed Report and Recommendation on discrimination against lesbian, gay and bisexual people in Europe

In January 1999 Ms Irmtraut Karlsson tabled a motion for a resolution which called for the Parliamentary Assembly to prepare a Report on discrimination against lesbians and gays in Europe, and to make recommendations to counter such discrimination. At the June session of the Parliamentary Assembly a Spanish parliamentarian, Ms Carmen Calleja, was appointed as rapporteur for the Legal Affairs and Human Rights Committee of the Assembly. ILGA-Europe is assisting Ms Calleja with the preparation of the Report, and with the organisation of a hearing before the Assembly's Sub-Committee on Human Rights, to take place in Paris on 14 October 1999.

It is expected that the Report and Recommendations will be debated during the January 2000 session of the Parliamentary Assembly. ILGA-Europe hopes that the Parliamentary Assembly will pass recommendations that are strongly supportive of the rights of lesbians, gays and bisexuals.

This is likely to be a landmark event, it being only the second time in the history of the Council of Europe that the Parliamentary Assembly will address the broad issue of sexual orientation discrimination. The previous occasion, in 1981, produced the historic Recommendation 924 (1981) "On discrimination against homosexuals".

(iii) Applicants for membership of the Council of Europe

In January 1999 the Parliamentary Assembly debated, and voted in favour of, the accession of Georgia to the Council of Europe. Before the debate ILGA-Europe discussed with the rapporteur for the Assembly on Georgia's accession (a British parliamentarian, Terry Davis) whether he had checked that Georgia's ban on gay male relationships had been lifted. He was not aware of this as an issue, and had not therefore checked it. It was too late to take action. Subsequent research indicated that the ban on gay male relationships in Georgia had not yet been lifted. However, a draft penal code was progressing through the Georgian Parliament. It finally passed in July 1999 and eliminated all discrimination based on sexual orientation.

Of the three other countries currently applying for membership of the Council of Europe, Armenia, Azerbaijan and Bosnia-Herzegovina have laws which make gay male relationships illegal (the latter only in the territorial entity of Republika Srpska). ILGA-Europe has drawn this to the attention of the rapporteurs for each country. Armenia and Bosnia-Herzegovina both have new draft penal codes which, if implemented, will eliminate the ban on gay male relationships. The position in respect of Azerbaijan is not clear. In 1999 ILGA received a message from a gay man in Azerbaijan complaining of significant levels of harassment and extortion by the police.

(iv) Election of a new Secretary-General of the Council of Europe by the Parliamentary Assembly

ILGA-Europe's actions with regard to the election for the position of Secretary-General were governed by the principle that a demonstrable commitment to the promotion and implementation of the Council of Europe's human rights standards should be an essential criterion for the acceptability of any candidate, and that a record of opposition to such standards should serve to disqualify a candidate.

In the summer of 1998 ILGA-Europe became aware that an Austrian candidate for the position of Secretary-General, Walter Schwimmer, had, in his own Parliament, opposed the implementation of the human rights standards of the Council of Europe with regard to

various aspects of sexual orientation discrimination. Walter Schwimmer had the support both of his own party in the Assembly (the right of centre European People's Party) and of the Liberal Group. This support meant that he was more or less assured a majority of 50 or so votes out of the 290 votes in the Assembly.

Between October 1998 and April 1999 ILGA-Europe and its member organisations in many countries across Europe lobbied Delegates to the Parliamentary Assembly and members of the Committee of Ministers in an effort to have Schwimmer's candidacy withdrawn. A key focus for ILGA-Europe's lobbying was the Liberal Group: if they could be persuaded to withdraw their support for Schwimmer, then his majority would disappear. At meetings in January and again in April they refused to withdraw their support for Schwimmer. In June, on the eve of the election, the Liberal Group finally decided to allow its members to vote according to their conscience. Schwimmer was elected, but by only two votes.

Before the election ILGA-Europe sent a questionnaire to all three candidates in an attempt to assess to what extent they would support LGBT rights if elected. All three, including Walter Schwimmer, responded positively. ILGA-Europe publicly welcomed his commitment to opposing discrimination, and now looks forward to this commitment being translated into positive actions.

E2. Committee of Ministers

(i) "Broadening" of the anti-discrimination powers (Article 14) of the European Convention on Human Rights

Article 14 is much weaker than the equivalent clause in many other human rights laws because it does not guarantee protection from discrimination in itself it merely provides protection from discrimination in "the enjoyment of the other rights and freedoms set forth" in the Convention (e. g., the right to privacy, to family life, to freedom of expression, association, etc). From the point of view of LGBT people, it is further weakened because it makes no specific reference to sexual orientation, nor to transgender status, so that it has to be argued that these fall within a catch-all category, "other status".

In March 1998 the Committee of Ministers of the Council of Europe issued instructions that an amendment be developed which would broaden Article 14, so that freedom from discrimination becomes a separate right under the Convention. Behind this move was the concern that the Convention needed to give greater protection against racial and gender discrimination.

If implemented, the proposed amendment of Article 14 would represent the first change to this Article, and also one of the most significant changes to the Convention as a whole, in its fifty years' existence. ILGA-Europe saw this as a rare opportunity to argue for the express inclusion in the list of prohibited grounds of sexual orientation and gender identity. Submissions to the Council of Europe were prepared on behalf of ILGA-Europe by Dr Robert Wintemute and Dr Stephen Whittle respectively. ILGA member organisations in many European countries also lobbied their Foreign Ministries.

In August 1999 the Committee of Ministers published its preferred version of the new draft Protocol 12 broadening the powers of Article 14. Although there was no reference to either sexual orientation or gender identity, the Explanatory Report did explain why sexual orientation, together with age and disability, had not been added to the list of grounds. The existence of this explanation, although less than proposed by ILGA-Europe, is certainly an advance.

The next stage in the development of the draft Protocol is for the Parliamentary Assembly to give its Opinion. ILGA-Europe will work to have that Opinion recommend the express inclusion of sexual orientation and gender identity.

(ii) Cyprus

In May 1998 the Cyprus Parliament repealed the complete ban on male homosexuality, but replaced it with laws that remained profoundly discriminatory. The Committee of Ministers has been considering ever since whether the new laws discharge Cyprus' obligations in respect of the judgment of the European Court of Human Rights in the *Modinos* case. After more than a year it appears still not to have reached a conclusion. If it decides in the affirmative, then the only course of action open to Cypriot lesbians and gays will be to take a further case under the European Convention.

E3. European Convention on Human Rights

(i) Proposed joint Council of Europe/ILGA-Europe events in celebration of the 50th anniversary of the promulgation of the European Convention on Human Rights.

The Council of Europe is seeking to celebrate the 50th anniversary of the European Convention through a series of events organised jointly by the Council of Europe and NGOs, and has invited NGOs to propose such events. ILGA-Europe has proposed two linked events: a seminar on "How to take a sexual orientation/gender identity discrimination case under the European Convention" for people from countries in Central, Eastern and Southern Europe, to take place in Bucharest immediately before the ILGA-Europe conference in the autumn of 2000; and a series of workshops at the Conference itself on a similar theme.

E4. Other activities at the Council of Europe

(i) Participation in the NGO Groupings at the Council of Europe

ILGA-Europe's delegates have attended meetings of the Human Rights, Gender Equality, Civil society in the new Europe, and Social Rights Groupings. Its delegates also attended the annual Plenary Conference of NGOs in January 1999.

(ii) Development of Council of Europe NGO web-site

Communication presents considerable difficulties for NGOs trying to participate in the Council of Europe's work, particularly for those unable to attend sessions of the NGO Groupings in the quarterly meetings of the Parliamentary Assembly. The Council of Europe web-site currently contains relatively little information aimed at improving the involvement of NGOs. ILGA-Europe has proposed that the Council of Europe develop a separate web site to cover NGO activities, and has made detailed suggestions for the contents of the web-site. It has suggested that a panel of users be established to advise on the development of the site, and has offered to serve on this panel.

ILGA-Europe's representatives in 1998/99 were Nico Beger and Nigel Warner. Kurt Krickler attended the January 1999 session of the Parliamentary Assembly in Nico Beger's absence.

F. LOBBYING THE OSCE

ILGA-Europe continued its lobbying towards the Organization for Security and Co-operation in Europe (OSCE). Kurt Krickler attended the Implementation Meeting on Human Dimension Issues in Warsaw on 30 October 1998 and gave an oral statement under agenda item "Tolerance and Non-discrimination". In advance of the meeting, ILGA-Europe had again written to EU Commissioner Hans van den Broek and the delegations of Austria (holding the EU Presidency at that time) and the Netherlands ("subscribed" to deliver the statement on agenda item "Tolerance and Non-discrimination" on behalf of the EU), see Board Report 97/98, item F. The Netherlands mentioned sexual orientation discrimination again but no further attention was paid to this issue.

ILGA-Europe also participated in the 1999 Review Conference in Vienna. On 28 September, Kurt Krickler gave again an oral statement in the Human Dimension working group under agenda item "Tolerance and Non-discrimination".

G. FINANCING AND FUNDRAISING

The financial situation of ILGA-Europe has not changed fundamentally since the Linz conference. No core funding could be secured that would allow the rent of own premises or employing a person to work for the organisation. ILGA-Europe's main income are donations and the share of the membership fees transferred from ILGA-World. Donations include travel costs covered by the member organisations of board members such as by *LBL* and *UNISON*, private donations to cover travel expenses (such as from Alberto Volpato, and from Nigel Warner who has been financing all Council of Europe work himself), and funds raised at local level the Slovene Soros Foundation covered the costs of Tatjana Greif to travel to board meetings.

In addition to donations to the projects of ILGA-Europe (see above items D4 and D5), donations were also received from the following member organisations: *HOSI Wien*, *LBL*, *Pink Cross*, *RSFL*, *IgIf Köln*, *IGLHRC* and several individuals.

The voluntary fee introduced in Linz resulted in payments of altogether 667 euros until September 1999.

H. CO-OPERATION WITH OTHER NETWORKS

H1. Platform of European Social NGOs

The membership in the Platform of European Social NGOs has turned out to be crucial for the positive developments and progress ILGA-Europe has made at EU level. ILGA-Europe has become pro-actively involved in Platform activities and has collaborated in various ways, such as in the drafting of the common response on the Commission proposals for implementing Article 13 (see above item D1).

Jackie Lewis attended the Platform College meeting in March 1999, Kurt Krickler the Platform Steering Group meetings in November, March, May, July, and September 1999, all held in Brussels.

Nico Beger and Kurt Krickler also attended the Platform seminar *Gender Equality and Equal Opportunities for all* in Bonn in May 1999.

H2. The Pink Triangle Coalition

The involvement of ILGA-Europe in this International Coalition for Co-ordinating Affairs Related to the Nazi Persecution of Gay Men and Lesbians has continued on low scale in the past year. Kurt Krickler participated in two telephone conference calls with other members of the coalition on 27 October 1998 and 3 September 1999. The prospectus with selected projects (see Board Report 97/98, item J2) was finally submitted for funding to the Dutch government by Coalition and ILGA member Pink Cross in Berne.

I. OTHER ACTIVITIES

The information work has continued in the last year. The web-site of ILGA-Europe has been regularly up-dated with press releases, pieces of news and documents produced. Address: <http://www.steff.suite.dk/ilgaeur/>.

The *Euro-Letter*, published on behalf of ILGA-Europe by the *Gay and Lesbian International Lobby* in Denmark in co-operation with the Danish Lesbian Association for Gays and Lesbians *LBL*, has continued to appear on a monthly basis.

The Board of ILGA-Europe has again changed its collective e-mail address, now being: <ieboard@egroups.com>.

The Board handled again a large amount of correspondence and replied to many requests and inquiries from individuals and groups. For internal communication and decision-making within the Board, hundreds of emails have been sent and received between Board members.

On the occasion of the delivery of the judgment of the European Court of Human Rights in the cases of Lustig-Prean, Beckett, Smith and Grady versus the United Kingdom on 27 September 1999 (classifying the British policy to exclude homosexuals from the armed forces as a violation of the European Human Rights Convention), ILGA-Europe issued a press release calling upon all other Council of Europe member states with a similar ban on gays and lesbians to serve in the armed forces to lift their restrictions immediately. Kurt Krickler was interviewed in two programmes of BBC World radio and in one of BBC World Television on that day.

J. SUMMARY

ILGA-Europe has had another extremely successful year despite its limited financial and personnel resources. ILGA-Europe has further consolidated its status as the lesbian and

gay lobby at European Union level, and has established itself also at the Council of Europe as a serious player and partner in the human rights context.

Like last year, however, it must be stated that ILGA-Europe again failed to set enough resources aside to market its good work, results and achievements and to rally more support of the member groups behind its activities.

K. THANKS AND ACKNOWLEDGEMENTS

The extensive work of the past year would neither have been possible without the work and commitment of the many people who have supported the various activities of the Board. We cannot mention them all here but special thanks have to go to Nigel Warner, Tom Hoemig, Mark Bell, Madeleine de Leeuw, Sejal Parmar, Kees Waaldijk, Robert Wintemute, Stephen Whittle and César Lestón, as well as the activists of *Arcigay Pride!* who hosted a Board meeting and assisted with the Pisa conference mailings.

APPENDIX 1:

BOARD CALENDAR 98/99 MEETINGS AND TRAVELS

(An overview)

October 1998:

25: Board meeting, Linz

30: OSCE Implementation Meeting, Warsaw

November:

9: Steering Group Meeting of the Platform, Brussels

17: Meeting with Jörg Wenzel, DG XIII, Vienna

18: Intergroup meeting, Strasbourg

28-29: Board Meeting, Brussels,

30: Meeting with other social and human rights NGOs (*Equality Project*), Brussels

December:

3-4: European Conference: *Article 13 of the Amsterdam Treaty Anti-*

discrimination: the way forward, Vienna

January 1999:

13: Intergroup meeting, Strasbourg

25-27: Council of Europe, Strasbourg

February:

10: Intergroup meeting, Strasbourg

27-28: Board meeting, Brussels

March:

10: Intergroup meeting, Strasbourg

22: Platform College meeting, Brussels

23: Social Policy Forum Follow-up-Working Group on Anti-Discrimination,
1st Meeting, Brussels

24: Interparliamentary Conference of the EP Committee on Civil Liberties and
Internal Affairs: *Freedom, Security, Justice: An Agenda for Europe*,
Brussels

25: Steering Group Meeting of the Platform, Brussels

April:

22: Meeting with Odile Quintin, director-general of DG V, Brussels

26-28: Council of Europe, Strasbourg

27: European Forum: *A European Charter of Fundamental Rights Contribution
to a Common Identity* (Presentation of the Simitis Report), Cologne

28: Joint meeting of the intergroups on Disability, Ageing and Equal Rights for
Gays and Lesbians, Brussels

May:

5: Intergroup meeting, Strasbourg

5: Meeting with Alexander Kleinig, Secretariat of the EP Committee on
Employment and Social Affairs, Strasbourg

6-7: Round-Table-Conference *Towards a Europe for all: How should the*

Community support Member States to promote social inclusion?,
Brussels

8: Meeting with the Lord Mayor of Pisa, Pisa

8-9: Board meeting, Pisa

11: Internal Platform preparatory meeting for the meeting with DG V on 17 May,
Brussels

17: Social Policy Forum Follow-up-Working Group on Anti-Discrimination,
2nd Meeting, Brussels

18: DG V Briefing on Funding Issues for Members of the Platform of European
Social NGOs, Brussels

18: Steering Group Meeting of the Platform, Brussels

26-27: Platform Seminar *Gender Equality and Equal Opportunities for all*, Bonn

27: Meeting with representatives of the German EU Presidency, Bonn

28: Meeting to discuss preparatory actions for the implementation of Article 13 on
non-discrimination, organised by DG V, Brussels

June:

2: Biannual Commission DG V/Platform meeting, Brussels

21-23: Council of Europe, Strasbourg

22: Meeting of the Platform's Article 13 working group, Brussels

July:

6: Steering Group Meeting of the Platform, Brussels

17-18: Board meeting, Brussels

September:

9: DG V Social Exclusion Project Promoters Seminar, Brussels

20: Steering Group Meeting of the Platform, Brussels

28: OSCE Review Conference, Vienna