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ILGA-Europe Activity Report 2000-2001

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INTRODUCTION

Since its foundation in December 1996, ILGA-Europe has produced annual activity reports of its executive board for the periods between two consecutive annual conferences – which since are held in October each year. The period between two annual conferences is also the period for which the annual conference adopts the Work Programme of ILGA-Europe.

With this report, however, we alter its format in two ways. There is the obvious outward appearance: thanks to EU funding we are able to have a proper layout and design and to print the report instead of just photocopying typed pages. Additionally, we have altered the way of reporting. In order to make it easier to relate the reported activities to the Work Programme 2000-2001, we have included the various items and paragraphs from the Work Programme, as adopted last year in Bucharest, in the corresponding sections of this report.



Employees Mette Vadstrup and Olivier Collet in the new office

Background information on the various activities and the developments leading up to the current situations can be found in the previous annual board reports, which are all available at our web-site, and in the two issues of our new *ILGA-Europe Newsletter*, that have been published so far,

and of course the monthly *Euro-Letter*, which has continued to be published, on behalf of ILGA-Europe, by the international section of the Danish national gay and lesbian association *LBL (Landsforeningen for bøsser og lesbiske)*.

On the following pages you will thus find a detailed report on the manifold activities of ILGA-Europe. In summary we can say without exaggeration that the activity period 2000-2001 was the most successful so far in the history of ILGA-Europe.

One of the most significant factors that has made this possible is the core funding ILGA-Europe has been receiving from the European Commission as from 1 December 2000. We were able to employ two people, Mette Vadstrup as full-time information officer, and Olivier Collet, as half-time administration officer, from February 2001 and to rent office space in Brussels as of 15 February 2001. This certainly has made a big difference.

We can also report that ILGA-Europe is – finally – registered as an international non-profit non-governmental organisation under Belgian law as of 10 August 2001. The last thing to do in this context is to have the registration and necessary documentation published in the official journal of Belgium, the *Moniteur belge*, which is under way.

Perspectives

The Board has only recently found the time to consider the larger future direction of ILGA-Europe. With the office now up and in operation we are able to consider what future possibilities could open up to us and how the work can be best managed. So far four broad areas of work have been identi-

fied as cornerstones for the future development of ILGA-Europe:

1. A continuation of our focus on non-geographical LGBT issues, such as increasingly taking into consideration the need for projects in the field of sexual orientation/gender identity and racism, ageism or disability discrimination in LGBT communities as well as taking into consideration specific cultural needs of certain LGBT groups;
2. A continuous focus on skill building and development work in non-EU countries. This area of work needs specific fundraising activities beyond our core funding that is restricted to EU work. ILGA-Europe will remain strongly committed to not letting EU funding regulations restrict the geographical area of work for ILGA-Europe. The past year has already included a clear focus on this area;
3. Focusing more on the issues of family and youth which still present the biggest stumbling block to LGBT equality in Europe. Here ILGA-Europe aims to become an information and resource place for this crucial debate;
4. Defining the needs and issues of transgender communities in Europe and consequently increasing ILGA-Europe's own skills in arguing against gender identity discrimination and making the T in LGBT a visible and strong tenet of our work.

The immediate task to establish our work in the direction of those four cornerstones will involve a closer study of realisation options. Primarily this means an assessment of tasks and human resources in and around the board as well as in the office with the aim to develop a long-term perspective of our human resource and funding needs. The board will seek to stabilise funding from other sources outside the EU Commission to assure our broad focus of work can continuously be developed.

THE EXECUTIVE BOARD OF
ILGA-EUROPE
Brussels, October 2001

A. EUROPEAN UNION

1. Article 13 anti-discrimination initiatives

On 17 October 2000 the Employment and Social Affairs Ministers Council in Luxembourg agreed the first two measures based on Article 13 EC (Treaty of Amsterdam) that also deal with sexual orientation:

- ▶ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and
- ▶ Council Decision 2000/750/EC establishing a Community action programme to combat discrimination (2001 to 2006).

ILGA-Europe welcomed these achievements in a media release on 24 October (see *Euro-Letter* # 83, October 2000). The formal legal adoption of the two measures was then done by the European Council on 27 November 2000. On 2 December, both the Directive and the Decision were published in the Official Journal of the European Communities (L 303, p. 16 and p. 23 respectively).

This is indeed a historic development. It means nothing less than that 15 member states and 13 accession countries will have to introduce, by December 2003, anti-discrimination legislation at national level prohibiting, inter alia, discrimination on the grounds of sexual orientation in employment and occupation. ILGA-Europe publicised this landmark achievement through its channels.

Working together, mobilising and motivating its member organisations both in the EU member states and the accession countries to make the best possible use of this unique opportunity was also a main issue at the first meeting of the ILGA-Europe EU national co-ordination network that took place in Brussels, 14-15 July 2001 (see box below). As a follow-up to the network meeting, a “guide” for implementing the framework directive was produced and sent to member organisations in these 28 countries in early October 2001.

Likewise it was one of ILGA-Europe’s main tasks in 2001 to closely follow the developments concerning the Community action programme and to reach out to its constituency with up-dated information, in particular with regard to the launch of the programme and first calls for proposals, and to explain the rather complicated format of the programme and these first calls. Information was disseminated by e-mail and posted on the web-site. It was also published in the *Euro-Letter* (# 88, May 2001) and the first issues of the *ILGA-Europe Newsletter* in May and August 2001.

In order to gain first-hand information, we had attended the European Commission’s information meeting on the implementation of the programme in Brussels on 26 March. The action programme was also a prominent item of discussion at the biannual meetings between the Commission and the Platform of European Social NGOs on 7 November 2000 and 27 February 2001.

ILGA-Europe EU national co-ordination network

ILGA-Europe’s activity programme agreed in its funding contract with the European Commission provides for communication and co-operation with nationally organised member organisations. It is our task to reach out to our member organisations in the EU member states and inform them about relevant developments at EU level, and ILGA-Europe needs the input from its members about developments at the national level relevant in the European context. ILGA-Europe will also channel information on LGBT issues from its members to the Commission and, therefore, needs to consult its member organisations with regard to formulating demands and policies.

Moreover, co-ordinated lobbying both at the national level in all member states and at EU level is a crucial precondition to achieve progress

in our struggle for equality and our fight against discrimination. Most things decided in Brussels need to be agreed by national governments, and have to be implemented by national governments. Therefore, lobbying at national level is as important as at EU level.

A great deal of the work ILGA-Europe is doing is to represent the LGBT perspective in the legislative process in the European institutions. In order to benefit even more from this work, the national associations need to be closely informed about ILGA-Europe’s activities and become involved and carry the pressure on to the implementing phase at national level. The national associations and networks have always been an important source and inspiration for the activities of ILGA-Europe, and by combining and co-ordinating efforts, this will lead to more efficient work and benefits for the European



The first network meeting took place on 14 and 15 July 2001

LGBT movement as a whole. For this purpose, ILGA-Europe has established an “EU national co-ordination network” made up of representatives of nationally organised member organisations in each of the 15 member states. We approached organisations and individuals with whom we already have had good co-operation and working relations in the past, who have shown interest in European Union matters and commitment and ability to

dedicate time and resources to deal with European issues at national level, and who play a key role in their country, having “access” to their government. ILGA-Europe has budgeted annual meetings of this new network in its core funding applications to the Commission.

The first meeting of the network also received funding from the *Heinrich-Böll-Stiftung* in Berlin.

ILGA-Europe expects to continue receiving core funding under this programme. Thus, we have also had regular contacts with Commission officials discussing the core funding possibility, and we will also attend the European conference on the Community action programme to be organised by the Commission in Brussels on 18-19 October 2001.

At the November 2000 biannual meeting we explicitly asked whether the Commission intended to come forward with additional proposals for Directives prohibiting discrimination, inter alia on sexual orientation, in other areas of Community competence, such as the provision of and the access to goods and services. Odile Quintin, director-general of DG Employment, declared resolutely that the Commission would not reopen the debate on further Article 13 measures in the immediate future, although the European Year on Disability in 2003 could create potential for further advances.

A similar question posed by ILGA-Europe representative Nigel Warner to Commis-

Work programme 2000/2001

Article 13 anti-discrimination initiatives

Maximise the benefits of the Article 13 anti-discrimination provisions by:

▶ Continuing to work for the implementation of the proposed general framework directive for equal treatment in employment and occupation and of the proposed Anti-discrimination Action Programme. Once the latter is approved by EU, inform

member organisations of relevant Calls for Proposals.

▶ Working for the development of a proposal by the Commission for a directive covering discrimination in areas other than employment (within the limits of the powers of the Community), e. g. education, access to and supply of goods and services, healthcare, housing and

social protection (to cover, inter alia, sexual orientation discrimination).

▶ Discussing future proposals for directives or other initiatives at an early stage with the Commission, advising on the best way to meet the needs of the LGBT community and to reflect the principles of Article 13.

sioner Anna Diamantopoulou on the occasion of the EP hearing on EU enlargement from a gay perspective on 28 June (see below under item A.4) received a similar answer. Therefore, it is unfortunately unlikely that new legislative measures to fight sexual orientation discrimination will be prepared by the Commission in the next few years.

We also attended the regular meetings of the anti-discrimination working group of the Platform of European Social NGOs (see below under A.8) and the one organised more informally by the European Network against Racism (ENAR) where further joint advocacy activities and opportunities to formulate common demands were discussed.

2. EU Charter of Fundamental Rights

Only a week after the ILGA-Europe annual conference in Bucharest, the Convention tasked to draft the EU Charter of Fundamental Rights completed its work and presented a draft to the European Council in Biarritz. The Charter was finally adopted and solemnly signed at the Nice summit in December 2000 but was not incorporated into the Treaties and, therefore, is not legally binding. "Sexual orientation" was retained in the draft. Article 21, paragraph 1 of the adopted Charter reads as follows:

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

ILGA-Europe continued to participate in the joint Charter campaign of the Platform of European Social NGOs and the European Trade Union Confederation (ETUC) which, for example, was highlighted again at the *Meeting of Civil Society for a Europe of Democracy and Solidarity*, co-organised by the Platform in conjunction with the summit in Nice. The main objectives of this campaign are to make the Charter legally binding and to strengthen the social rights

guaranteed by it. We have also given our input and contributed to the Platform/ETUC commentary on the Charter which is being prepared for publication in due course before the Laeken summit in December 2001. The commentary will also include proposals for improving the text of the Charter. ILGA-Europe also attended the biannual meeting between the Platform and ETUC on 9 March where this joint campaign was the main agenda item.

Work programme 2000/2001

EU Charter of Fundamental Rights

▶ Monitor drafting process to ensure that the anti-discrimination article continues to include "sexual orientation";

if any proposal to delete these words, mount large scale campaign for their retention.

▶ Continue to participate in the Social Platform/ETUC Charter campaign.

3. Asylum and immigration

In the 1997 Treaty of Amsterdam the European Union embarked upon a plan to establish common rules covering asylum and immigration by 2004 (articles 61-69 EC Treaty). This project is also referred to as the “establishment of the European area of freedom, security and justice (AFSJ)”.

The Commission is in the process of issuing a series of draft Directives covering the whole range of asylum and immigration subject matters. We have been monitoring these developments closely. After publication of each draft Directive, we have commissioned an expert in this field, Mark Bell, lecturer at Leicester University, to draft a position paper analysing the proposal from the perspective of LGBT people, and making recommendations for amendments as appropriate.

Over the year, there were so many issues of concern that we finally also asked for a meeting with a representative of Commissioner António Vitorino, who as Commissioner for Justice and Home Affairs, is responsible for these areas.

The meeting took place on 16 July 2001, with Jackie Lewis, Kurt Krickler, Nigel Warner and Mette Vadstrup representing ILGA-Europe, and Mr Joaquim Pedro Nunes de Almeida representing Mr Vitorino. The following proposals were discussed:

► **Proposal for a Council Directive on the right to family reunification:** this applies mainly to third country nationals (i. e. non-EU nationals) residing in a member state lawfully for at least one year. The Commission’s original proposal (COM(1999) 638) was for these people to be joined in the European Union by their “spouse, or an unmarried partner living in a durable relationship with the applicant, if the legislation of the member state concerned treats the situation of unmarried couples as correspon-

ding to that of married couples”. We had proposed that this be strengthened to allow any “spouse or unmarried partner living in a durable relationship with the applicant” to be joined by their partner, whatever the legislation of the member state. ILGA-Europe’s position paper on this proposal had been sent to Commissioner Vitorino in May 2001 (the paper was also published in *Euro-Letter* # 89, June 2001). Mr Nunes de Almeida advised that, in the current negotiations between the member states, even the Commission’s proposal was meeting with significant opposition on the basis that there are difficulties in establishing whether an unmarried relationship was genuine.* It was likely that the whole issue of the recognition of unmarried couples would be left to individual member states, and therefore would not be subject to harmonisation. We argued that at the very least unmarried couples in registered partnerships should be treated on the same basis as married couples.

► **Approximation of rules on recognition and content of refugee status:** a draft Directive on this area is being worked on by the Commission, and is due to be published later this year. ILGA-Europe’s objective is to ensure that any common definition of “refugee” explicitly includes people persecuted on the grounds of their sexual orientation or gender identity. Mr Nunes de Almeida assured us that the Commission’s draft definition does include sexual orientation, and may also include gender identity. This is an excellent start, although a Europe wide campaign will be necessary to ensure that the Commission’s definition is retained, and that the Directive itself is approved by the member states.

We also handed over our position paper on the proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578).

Additionally, ILGA-Europe prepared a position paper on the proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States (COM(2001) 181).

► **Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States:** this crucial proposal (COM(2001) 257) published by the Commission in May 2001, covers the whole question of the free movement of EU citizens within the Union. It therefore raises the question of the “family reunion” of same-sex couples, where one moves to another member state and wishes to be accompanied by her/his partner. The draft Directive uses a formulation similar to that of the draft Directive on family reunion (described above). Mr Nunes de Almeida felt that there was more possibility here than in the case of family reunion for third country nationals, with member states less concerned about movement within the Union, than with movement from outside the Union.

ILGA-Europe’s position paper and recommendations, arguing for extensive rights of movement for same-sex couples, was published in October 2001. All the position papers mentioned above are, of course, available at our web-site.

In the context of these proposals, ILGA-Europe is also lobbying the European Parliament which is preparing reports and resolutions on each of the proposals either under the consultation or the co-decision procedure. We participated in the European Parliament hearing *The situation of Fundamental Rights in the European Union and the establishment of the European area of freedom, security and justice* which was organised by the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs in Brussels on 21 March, and distributed a 15-page written contribution.

ILGA-Europe representatives also attended the European Commission Stagiaire Committee’s conference *Towards an EU Asylum Policy?* held in Brussels on 21 February.

* Following consultation with the European Parliament, the Economic and Social Committee and the Committee of the Regions, the Commission amended the original proposal on 10 October 2000; the document number of the current proposal is COM(2000) 624.

Work programme 2000/2001

Asylum and immigration

- Work to ensure the inclusion of persecution on grounds of sexual orientation in any definition of refugee status adopted by the European Union.
- Work to ensure that any common immigration policies developed by the European Union recognise fully the residence rights of same-sex couples and their children.
- Work for implementation of the Commission’s proposed amendment to Regulation 1612/68 (free movement of persons).
- Work for implementation of the proposal for a Council directive on the right to family reunification for third country nationals.

4. EU enlargement

Enlargement of the European Union presents important opportunities for combating sexual orientation discrimination in the accession countries. Candidates for membership of the European Union are required:

- ▶ To implement existing EU laws (which include protection from sexual orientation discrimination in the field of employment under the terms of the framework Directive, see item A.1 above)
- ▶ To respect the principles of “liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law”.

ILGA-Europe has sought to make the most of these opportunities by providing evidence of the extent to which laws and practices in the accession countries fail to meet these criteria to the relevant EU institutions, namely the European Parliament, European Commission and the Presidency. In so doing, ILGA-Europe has two main objectives:

- (i) The repeal of discriminatory criminal laws in those countries where these still remain, namely Bulgaria, Cyprus, Hungary, Romania. Two other countries, Estonia and Lithuania, have recently repealed such laws, giving clear evidence of the influence of the accession process;
- (ii) Demonstrating the extent to which other forms of discrimination remain endemic in the accession countries, with a view to intensifying public debate, and persuading national governments to implement anti-discrimination measures.

The evidence presented by ILGA-Europe and its member organisations is the fruit of two projects: the first resulted in the publication in March 2001 of a report entitled “Equality for Lesbians and Gay Men: A Relevant Issue in the EU Accession Process”. This surveys the situation of the LGBT community in each of the accession countries.

The second involved researching and reporting on the extent of discrimination in four accession countries, Hungary, Poland, Romania and Slovenia. The detailed research was carried out by ILGA member organisations *Háttér Baráti Társaság a Melegekért* in Budapest, *Lambda Warszawa* in Warsaw, *ACCEPT* in Bucharest, and *ŠKUC-LL* in Ljubljana, and co-ordinated by ILGA-Europe. Both projects were financed by the Open Society Institute (OSI) in Budapest.

The findings of these projects have been communicated to the relevant Directorates of the European Commission, to the Presidency, to the European Parliament rapporteurs on the individual accession countries, and to the chair-persons of the specific EU-[Accession Country] Joint Parliamentary Committees. They also made a significant contribution to a one-day hearing in the European Parliament on 28 June, entitled *EU Enlargement: A Gay Perspective*, organised by the EP Intergroup on Gay and Lesbian Rights, led by MEPs Joke Swiebel, Michael Cashman and Patsy Sørensen. ILGA-Europe board members Tatjana Greif and Adrian Coman took part in the hearing as panelists. Important figures from the EU institutions contributed to the hearing, including the EU Commissioner on Equality, Ms Anna Diamantopoulou, who explicitly thanked ILGA-Europe for all the information collected, Ms Petra Erler, a member of the cabinet of the Enlargement Commissioner, and the European Parliament rapporteurs for Slovenia and Romania, Demetrio Volcic (Italy) and Baroness Emma Nicholson (UK). The afternoon session involved a “roundtable” discussion with LGBT representatives from all accession countries, including Cyprus and Malta, commenting on the situation in their countries.

The hearing was preceded by a press conference in the Parliament on 27 June at which board members Tatjana Greif and Nigel Warner presented the findings of the research.

There is strong evidence that these efforts by MEPs, ILGA-Europe, and its member organisations, are succeeding in putting LGBT rights onto the accession negotiations agenda. In the hearing Ms Petra Erler stressed that there was “no flexibility in negotiations regarding equal opportunities and minorities”. She commented that Romania had been called on “time and again” by the Commission to repeal its discriminatory laws, and that Cyprus “still had work to do”. Other countries with discriminatory laws were “being scrutinised”. In a subsequent letter to ILGA-Europe, Günter Verheugen, the Enlargement Commissioner, confirmed that the “principle of elimination of discriminations due to sexual orientation” was among “the principles that new Member States will be expected to accept upon accession”, and gave his assurance that “full attention will be brought to the issues raised in the report you sent me”. We also issued a media release welcoming Verheugen’s statement on 26 July (see also *Euro-Letter* # 91, September 2001). All this is a big advance – prior to this year, the Commission had made no commitments of principle concerning sexual orientation discrimination in the enlargement process, and had only addressed it briefly in the annual reports of two countries, Romania and Cyprus.

Work programme 2000/2001

EU enlargement

- ▶ Finalise preparation of report on situation of LGBT people in candidate countries. Highlight where discrimination conflicts with principles established under EU law and the European Convention on Human Rights.
- ▶ Provide report to governments, and to Commission officials responsible for accession.
- ▶ Publicise continuing violations of EU human rights standards, inter alia, by seeking to persuade the European Parliament to refer to them in its Annual Human Rights Resolution, by persuading the Council to include them in its Annual Human Rights Report, and by making a submission at the Annual EU Human Rights Discussion Forum.
- ▶ Monitor developments in individual accession countries: if insufficient progress, seek to apply pressure through friendly national parliaments and European Parliament.
- ▶ Lobby Commission to carry out report into homophobia in candidate states, with a view to making statement that combating homophobia forms part of the human rights condition for accession (cf. 1999 Commission report on “Countering racism, xenophobia and anti-Semitism in the candidate countries”).

The European Parliament's annual debate on the accession negotiations took place on 5 September 2001. The resolutions tabled the preceding week in respect of Bulgaria, Hungary and Romania had all called for the elimination of "provisions in the penal code that discriminate against homosexual men and lesbian women". But that for Cyprus ignored the subject, despite the fact that equivalent wording had been proposed during the drafting of the resolution. The ELDR group and the group of Green parties tabled amendments to include such wording in the Cyprus resolution. We supported these by a fax campaign directed to approximately 125 MEPs just before the final debate and vote of the resolutions. The amendments were opposed by the European People's Party, but carried by 292 to 242. With its support for the resolutions in respect of the other three countries, this meant that the European Parliament had urged the abolition of discriminatory laws in all four countries. We issued a media release on the very same day once more emphasising the consistent position of the Commission (see also *Euro-Letter* # 91, September 2001).

The day before the Parliament had been addressed by Commissioner Günter Verheugen, who again emphasised the Commission's opposition to sexual orientation discrimination: "I want to make it crystal clear that the Commission will continue to press in the enlargement negotiations for full observance of human rights and the rights of minorities. This includes a ban on any discrimination based on age, gender, sexual orientation or religious conviction."

The next landmark in this process will be the publication of the Commission's annual reports on the accession countries in October. It will be particularly interesting to see whether the Commission makes a point of the discriminatory laws in the reports on Bulgaria, Cyprus, Romania and Hungary, and whether it addresses the need for governments to combat sexual orientation discrimination in other areas.

ILGA-Europe and its member organisations are continuing to research and publicise evidence of sexual orientation discrimination in the accession countries. A further project is being launched which will hopefully provide detailed evidence of discrimination in

the Baltic states, Bulgaria, Slovakia, Malta and the Czech Republic. A meeting with activists from these countries took place in Brussels on 27 June to discuss the details.

All the documents mentioned here are available at our web-site.

We have also actively participated in the working group on enlargement of the Platform of European Social NGOs (see item A.8 below). The group was set up in February 2001 and commissioned, as one of its first activities, a qualitative study to assess the role, strength and nature of the civil dialogue, in the accession countries, between social NGOs and public bodies, between the NGOs themselves and with organisations at EU level. We provided contact details of our members in these countries and encouraged them to participate in the questionnaire survey.

The working group is planning an enlargement seminar in Brussels on 26 November 2001, which will involve NGO activists from both within the EU and the accession countries. The enlargement study will be published on this occasion.

5. Human rights in member states

On 5 July 2001, the European Parliament in Strasbourg debated and adopted its annual report and resolution on the respect of fundamental rights in the European Union (A5-0223/2001), drafted by French conservative MEP Thierry Cornillet. As in previous years, we contacted the rapporteur, providing extensive information and requesting the situation of LGBT people be addressed.

In sub-chapters "Discrimination on the basis of sexual orientation" and "Non-marital relationships", the Parliament adopted six recommendations to the member states, including to repeal anti-homosexual legislation and to release all prisoners jailed on

the basis of such provisions. As in previous resolutions of the Parliament, Austria was especially mentioned. The EP also calls upon member states to prohibit sexual orientation discrimination under criminal or civil law, and to not give their consent to the accession of any country that has discriminatory laws against homosexuals, such as Romania. Finally, the Parliament recommends that member states recognise non-marital relationships between persons of the same sex and assign them equal rights. Mr Cornillet acknowledged ILGA-Europe's contribution in his report.

ILGA-Europe was also represented by Isabelle Cruette and Kurt Krickler at the 2nd

European Union Human Rights Forum organised by the Commission and the French EU Presidency in Paris on 13 December. Unlike the 1999 report prepared under the Finnish Presidency, the 2000 report did not specifically address the situation of LGBT people. In the debate we criticised this. We also brought up this issue in the talks with representatives of the French Presidency (14 December 2000 – Isabelle and Kurt), the Swedish one (22 March 2001 – Jackie Lewis and Kurt) and in particular the Belgian one (8 June – again Jackie and Kurt) as the 2001 report for the 3rd Forum to take place in November 2001 will be prepared under the Belgian Presidency. In all these talks we also stressed the fact that there still are human rights problems in some member states with regard to sexual orientation discrimination. This would create a huge credibility problem for the Union when insisting on the respect of human rights in the accession countries.

Work programme 2000/2001

Human rights in member states

- Publicise continuing violations of EU human rights standards, inter alia, by seeking to persuade the European Parliament to refer to them in its Annual Human Rights Resolution, by persuading the Council to include them in its Annual Human Rights Report, and by making a submission at the Annual EU Human Rights Discussion Forum.



Patsy Sörensen (MEP/Greens, Belgium), Joke Swiebel (MEP/PSE, Netherlands), Hein Verkerk (Inter-group), Nigel Warner and Tajana Greif (both ILGA-Europe) at the press conference on 27 June 2001



LGBT representatives from all accession countries participated in the EP hearing on 28 June.

6. The EU and third country human rights

On 5 July, the European Parliament also adopted its annual report and resolution on the Union's human rights policy towards third countries (A5-0193/2001), drafted by Finnish Green MEP Matti Wuori. In paragraph 116, under the section on "recommendations on other issues requiring urgent international action", the Parliament, stressing "that homosexuals are still victims of discrimination, prejudice and denial of their basic human rights in countries all over the world, including some Member States and candidate countries such as Romania", "calls upon the eighty countries in the world which still prohibit homosexuality in their domestic law to change this legislation without delay" and "urges those States which impose the death penalty on homosexuals to stop doing so immediately".

ILGA-Europe again had provided the rapporteur with extensive information about the situation of lesbians, gays, bisexuals and transgendered people world wide.

On 6 July, we issued a media release on both EP resolutions expressing satisfaction that the rapporteurs have included some of our information and that also some of our specific proposals had been taken up by various political groupings as a result of our lobbying both before the reports had been debated in the committee and in plenary (see also *Euro-Letter* # 90, July 2001).

We also brought specific human rights violations to the attention of the institutions of the European Union and requested that such cases be taken up in an appropriate way:

Work programme 2000/2001

The EU and third country human rights

<p>Explore practicality of a programme of work designed to promote LGBT rights in countries outside the EU ("third countries") by:</p> <ul style="list-style-type: none"> ▶ Researching and providing information on LGBT human 	<p>rights violations in third countries to Commission for use in bilateral negotiations.</p> <ul style="list-style-type: none"> ▶ Working for inclusion of specific reference to Article 13 discrimination in human rights clauses of bilateral trade and co-operation 	<p>agreements with third countries.</p> <ul style="list-style-type: none"> ▶ Working on implementing EU human rights and democratisation strategies in third countries in regard to the rights of LGBT people.
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Thus, on 5 April the European Parliament adopted an urgency resolution (B5-0264, 0274, 0282, and 0300/2001) strongly condemning the outburst of homophobia within the ruling party of Namibia.

On 30 June the Belgrade gay pride march was brutally attacked by large crowds of nationalist extremists and football hooligans, and a number of participants were injured. Despite advanced warning the police failed to provide adequate protection, and were slow in responding to the situation. These events followed immediately on the 29 June Brussels Donor Conference, at which the European Union pledged some € 530 million of aid to Yugoslavia conditional upon compliance with generally respected standards of human and minority rights. ILGA-Europe immediately wrote to the EU Commissioner for External Relations, Chris Patten, drawing his attention to the failure of the Yugoslav authorities to respect the conditions of the Brussels Donor Conference. We

also issued a media release on 2 July (see *Euro-Letter* # 90, July 2001).

In May police in Cairo arrested 55 gay men in a disco. 52 of these men were charged in a state security court with "obscene behaviour" and "expressing contempt for religion". They had been held in prison since arrest, and there were serious grounds for believing that they had been subjected to torture and degrading treatment. In July, we wrote to both Chris Patten, and to the Belgian Presidency of the European Council, drawing attention to the EU's commitment to linking its Mediterranean Area development programmes to progress in human rights.

ILGA-Europe has also taken up closer contacts with the Brussels offices of *amnesty international* and Human Rights Watch and some MEPs in order to co-operate in the field of fighting human rights violations in third countries.

7. Other EU programmes

The Nice European Council in December 2000 also endorsed the European Social Agenda 2001-2005 which had been adopted by the Social Affairs Ministers Council on 27-28 November after negotiating conflicting proposals presented by the European Commission and the French Presidency. The full text of the Agenda is annexed (Annex I) to the Conclusions of the Presidency of the European Council.

This new social policy agenda refers again to Article 13 and formulates, under the heading "III. Fighting Poverty and All Forms of Exclusion and Discrimination in order to Promote Social Integration", the following aim:

f) Ensure effective implementation of Community legislation on combating all types of discrimination on grounds of gender, race or ethnic origin, religion or beliefs, disability, age or sexual orientation. Develop exchanges of experience and of good practice to strengthen these policies.

Projects

In December 2000, the project *Stepping Stones and Roadblocks*, in which ILGA-Europe was a project partner (cf. Board report 1999/2000, item D3, and *ILGA-Europe Newsletter* # 1, p. 7), was successfully completed. An 8-page report of each of the three seminars and a final project report have been produced in English, French and German. The final report includes a detailed list of proposals and recommendations that have been formulated as a result of the project.

In 2000, ILGA-Europe has joined a new project. It is participating as expert in the SOLIDAR-led project *Non-discriminatory*

access to services provided by the voluntary sector: Promoting best practice. SOLIDAR is an independent alliance of social welfare, life-long learning, development and humanitarian aid NGOs, the project is concerned with assessing the anti-discrimination practice of four of its members: *Arbeiterwohlfahrt-Bundesverband* (Germany), *Volkshilfe Österreich* (Austria), *Lega Provinciale Cooperative Bolzano* (Italy), and the *Ligue française de l'enseignement et de l'éducation permanente* (France). Together with ENAR, the European Network Against Racism, EuroLink Age, and UNISON, the public sector union from Great Britain, ILGA-Europe provides expert knowledge on the discrimination grounds covered in Article 13 EC. The project receives European Commission funding under the call for proposals VP/2000/013, "preparatory measures aimed at combating and preventing discrimination in accordance with Article 13 of the Treaty".

A first steering group meeting in Brussels in January 2001 developed the concrete proceedings of this project. Each of the SOLIDAR members prepares a seminar for its employees at which the experts will offer workshops and advice for the organisations' aims in anti-discrimination. It was decided that the focus would rest on assessing examples of the publications and flyers through which they present themselves, their policy documents and looking at their employment practices. Since the time frames are short, these areas were chosen to make the input concrete and provide a good starting point into a very crucial area of work and services. ILGA-Europe will focus on sexual orientation discrimination and on transgender issues with the aim to break certainties about what "normal" people are and whether certain information and questions (e. g. on application forms) are accessible or necessary.

ILGA-Europe particularly emphasises that anti-discriminatory employment practices are essential to achieving anti-discrimination in access to services and to providing quality services that meet people's needs.

SOLIDAR will facilitate a guide of best practice as a result of the four seminars, which will be published in several languages. ILGA-Europe's representatives in this project are Jackie Lewis and Nico J. Beger. Jackie attended the first project seminar organised by *Legacoop-Bund* in Bolzano on 7 May, Nico the following ones organised by *Volkshilfe* in Vienna on 25 June and by *Arbeiterwohlfahrt* in Bonn on 12 September respectively.

Networking

ILGA-Europe was also represented in two transnational conferences organised by various associations as part of activities funded as preparatory measures aimed at combating and preventing discrimination in accordance with Article 13 of the Treaty, such as in Bad Honnef in November 2000, in Duisburg in September 2001, and in Vienna in October 2001 (for details see calendar on p. 19).

In November 2000, we attended the presentation in the European Parliament of the project *Combating Violence against Lesbians*, funded by the Commission under its DAPHNE programme.

In December 2000, we disseminated information about the European Commission's ACCESS programme, encouraging organisations in candidate countries in Central and Eastern Europe to submit funding applications under this programme.

In February 2001, ILGA-Europe disseminated information about the call for proposals under the European Initiative for Democracy and Human Rights (EIDHR), see also *Euro-Letter* # 86.

On 9-10 March Nigel Warner participated in the inaugural conference of the Centre for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity (CERSGOSIG) in Turin where the EU-funded project of a new web archive on the legal situation of LGBT people in the EU member states was launched. He gave a

Work programme 2000/2001

Other EU programmes

- ▶ Seek to ensure that new European Social Agenda programme maximises the opportunities for working for LGBT rights.

▶ Explore the possibilities offered by the new powers covering 'police and judicial
- ▶ Inform member organisations of relevant Calls for Proposals.
- ▶ Inform member organisations of relevant Calls for Proposals.

presentation of ILGA-Europe's work towards the EU and the Council of Europe.

In April ILGA-Europe disseminated information to organisations in the member

states about the Commission's approval of national plans and funds allocated to the individual member states under the new EQUAL Community initiative programme (CIP) for the period 2000-2006, whose aim

is to experiment in new ways to fight against discriminations and inequalities in the field of employment.

8. Civil and social dialogues

ILGA-Europe continued to be an active member of the Platform of European Social NGOs. It became a founding member when the Platform decided to establish itself as an association and held its founding assembly in Stockholm on 21 March. ILGA-Europe also participated on a regular basis in the meetings of the Platform's Steering Group and of its working groups on "social policy/anti-discrimination" and "EU enlargement" as well as in other meetings and conferences organised by the Platform (for details see calendar on p. 19). Our involvement in the Platform has continued to be of great importance for our lobbying work at EU level. Via the Platform, ILGA-Europe is also co-operating with ETUC, the European Trade Unions Confederation (see item A.2 above).

Work programme 2000/2001		
Civil and social dialogues		
1. Promote LGBT rights in the civil dialogue by participating in consultations on development of social policy, especially through the	Platform of European Social NGOs.	crimination on all grounds through the social dialogue mechanism, e. g. through a code of practice on implementing the employment discrimination directives.
	2. Encourage employers and unions to promote non-dis-	

The civil dialogue with other NGOs and networks was also pursued in the context of the projects mentioned under item A.7.

In June ILGA-Europe participated for the first time in the EU NGO Human Rights Contact Group, an informal discussion forum organised by *amnesty international*,

the International Federation of Human Rights, and Human Rights Watch. The group focuses on specific topics and provides a good opportunity for networking with other human rights NGOs.

9. Mainstreaming of LGBT issues

The mainstreaming aspect of our activities is best illustrated by the activities described above. They concern basically the Commission directorates-general dealing with Employment and Social Affairs, Enlargement, Justice and Home Affairs, Staff and Administration, Information Society, Foreign Relations, Education and Culture.

As an example of such mainstreaming we can mention the note prepared by ILGA-Europe (and handed over to the cabinet of Commissioner Vitorino in the above-mentioned meeting on 16 July) with regard to the proposal for a Council framework decision on combating the sexual exploitation

Work programme 2000/2001		
Mainstreaming of LGBT issues		
<ul style="list-style-type: none"> Monitor developments at the Commission and engage in dialogue with the Commis- 	sion to ensure that systematic consideration is given by the Commission to ensur-	ing equality for LGBT people in all Community policies, at the point of planning, implementing and evaluation.

of children and child pornography (COM(2000) 854). In this note, ILGA-Europe requests the insertion of a general non-discrimination clause, based on Article 21 of the EU Charter of Fundamental Rights, into the proposal. Such a clause has become a standard in new Commission

proposals but has not been provided for in this proposal. The demand to mainstream LGBT issues, however, is also part of our lobbying activities towards other EU institutions, such as the European Parliament and the EU Presidency.

Other EU activities

Other activities at EU level not specifically mentioned in the Work Programme 2000/01 include the close monitoring of the decision of the European Court of Justice in the case D. (i. e. *Sven Englund*) and *Sweden v. Council of Ministers*. In this context, ILGA-

Europe both criticised the problematic opinion delivered by the Advocate-General on 22 February and the negative judgement of the Court handed down on 31 May. ILGA-Europe issued media releases on 27 February (see also *Euro-Letter* # 87, March) and 7

June respectively (*Euro-Letter* # 89, June; both also available at our web-site).

ILGA-Europe also participated in various other conferences and meetings organised at EU level (for details see calendar on p. 19).

B. COUNCIL OF EUROPE

The past year has seen a much reduced level of activity at the Council of Europe compared with the previous year. This reflects both the more limited opportunities in 2001 for promoting LGBT rights at the Council and the limited resources that could be dedicated to this area of work, given the need to direct intensive efforts towards the significant opportunities presented by the European Union and to establish the office in Brussels.

Recommendation on the situation of lesbians and gays in Council of Europe member states (Recommendation 1474 (2000))

At the time of writing last year's Board Report, this Recommendation had been debated by the Assembly in June 2000, and a vote was imminent at the September session, where it was supported by an overwhelming majority – some 77 %. We welcomed this success in a media release on 26 September (see *Euro-Letter* # 83, October 2000).

The Recommendation calls for anti-discrimination legislation, the repeal of dis-

criminatory sexual offences and age of consent laws, and the introduction of registered partnership, across Europe. It also repeats the Assembly's call for sexual orientation to be added to the grounds for discrimination prohibited by the European Convention on Human Rights.

Put forward by Hungarian Socialist Member of Parliament Csaba Tabajdi, it was the most important statement of support for lesbian, gay and bisexual rights by the Assembly since a historic declaration in 1981. It included a forthright preamble which attacked homophobia by certain politicians and religious leaders:

"Nowadays, homosexuals are still all too often subjected to discrimination or violence at school or in the street. They are perceived as a threat to the rest of society, as though there were a danger of homosexuality spreading once it became recognised. ... This form of homophobia is sometimes propagated by certain politicians and religious leaders, who use it to justify the continued existence of discriminatory laws

and, above all, aggressive or contemptuous attitudes."

While the Recommendation constitutes a most important declaration of European opinion, in procedural terms it is actually a Recommendation to the Committee of Ministers of the Council of Europe to take action. ILGA-Europe therefore submitted a report to the Committee of Ministers supporting the recommendations. This was entitled "The Equal Dignity and Intrinsic Equality of Human Beings" (available at our web-site), and provided the Committee with detailed evidence of discrimination against lesbian, gay and bisexual people across Europe. A number of ILGA-Europe member organisations lobbied their government in support of the recommendations.

On 19 September 2001, the Committee of Ministers adopted, at the 765th meeting of the Ministers' Deputies, a formal reply to the Assembly's recommendations. This reply is a historic move of the Committee since it "stresses the importance of covering all forms of discrimination within the framework of the Council of Europe's activities and underlines in this respect the relevance of the new Protocol No. 12 to the European Convention on Human Rights (general prohibition of discrimination). Clearly a broad range of legal instruments and activities have the potential to contribute to progress in combating discrimination against lesbians and gays."

The Committee of Ministers also "agrees with the Parliamentary Assembly that, regrettably, discrimination and violence against homosexuals still occur. Differentiated treatment of homosexuals under the law and in practice still exists in member states as do contemptuous or intolerant attitudes towards them."

With regard to the proposal concerning the Council of Europe Commissioner for Human Rights, the Commissioner, when consulted, considered that the problem of discrimination on grounds of sexual orientation was already fully covered by his mandate and sufficiently important to be an integral part of the work of his office as a whole rather than being reserved for a specific appointment.

The European Commission against racism and intolerance (ECRI), a body of the Council of Europe, was also requested to give its opinion on the specific recommendations of

Work programme 2000/2001

Council of Europe

1. The European Convention on Human Rights

Promote the most effective use of the European Convention in support of LGBT rights *inter alia* by:

- ▶ Encouraging and supporting individuals and organisations to take suitable test cases.
- ▶ Establishing an international network of experts on the Convention and LGBT issues to give advice to lawyers and individuals taking cases, and to help with the above tasks.

2. The Parliamentary Assembly

- ▶ Work with the rapporteurs of the relevant Assembly Committees to ensure they are fully briefed on the position of LGBT people in Bosnia-Herzegovina; seek to have

the abolition of the discriminatory laws made a pre-condition of membership.

- ▶ Work with the rapporteurs of the Monitoring Committee to ensure that Armenia complies with its obligation to repeal its law that criminalises same-sex acts between men and releases any people still imprisoned under this law.

3. The Committee of Ministers

- ▶ Organise campaign by member organisations to persuade the Committee of Ministers to take action on the Recommendations of the Parliamentary Assembly on the Asylum/Migration and Discrimination issues (assuming the latter are voted through in the September session of the Assembly).

- ▶ Follow the development of policy and activities by Intergovernmental Committees in all areas relevant to LGBT people and seek to ensure that they take account of LGBT rights.

4. Transgender issues

- ▶ Consider what action can be taken by ILGA-Europe at the Council of Europe on transgender issues.

5. General issues

- ▶ Review the powers and role of the new Council of Europe "Commissioner on Human Rights", and explore scope for promoting LGBT rights through this position.
- ▶ Review the European Social Charter, and explore scope for promoting LGBT rights through this document.

the Assembly concerning ECRI. It replied that ECRI would welcome a wide debate within the Council of Europe as to how the Organisation as a whole might best address the various areas of discrimination.

Situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe – Recommendation 1470 (2000)

As noted in last year's report, this Recommendation was supported by the Parliamentary Assembly in June 2000. ILGA-Europe's submission to the Committee of Ministers, "The Equal Dignity and Intrinsic Equality of Human Beings", referred to above, also provided detailed evidence in support of this Recommendation. In March 2001 the Committee of Ministers replied to the Assembly that it had referred various of the issues raised to its specialist committees, and had brought the Assembly's Recommendation to the attention of the member Governments (a step which has no particular significance, since it is taken in respect of all Parliamentary Assembly Recommendations, whether or not supported by the Committee of Ministers). In theory there is still the possibility that the Committee of Ministers will take up the key issues raised by the Assembly (recognition for asylum purposes, and recognition of same-sex couples for immigration purposes) in a Recommendation to the Member States. However, in practice, this is unlikely to happen: on contentious issues such as this unanimity, or near-unanimity would be required for such a Recommendation. But only a few of the 43 Member States yet have positive positions on these issues.

Applicants for membership of the Council of Europe

Applicants for membership of the Council of Europe are required to demonstrate to the satisfaction of the Parliamentary Assembly that their observance of human rights is at least consistent with the minimum standards set by the Council of Europe, or are required to give binding undertakings that they will meet these standards within a short period of accession.

Armenia gained membership of the Council of Europe in 2001, having given undertakings that it would repeal its ban on same-sex relations between men. So far this has not happened. We will follow developments closely and make representations to the Council of Europe if Armenia does not comply with its undertakings shortly.

Bosnia-Herzegovina is in the process of gaining membership of the Council of Europe. We are pleased to note that, in its new criminal code, introduced with effect from October 2000, its ban on same-sex relationships was repealed, and no distinction is made between heterosexual and homosexual conduct. Moreover, sexual orientation discrimination is even prohibited now in the Republika Srpska.

Cases at the European Court of Human Rights

Several cases of great importance for lesbian, gay and bisexual rights in Europe are now pending before the Court. ILGA-Europe is providing support to the following:

Fretté v. France

This case challenges the refusal of the French authorities to allow a gay man to be considered as a prospective adopter. On 27 June 2001 the Court declared the case admissible. The hearing is to take place on 2 October 2001. Mr Fretté will be represented by Dr Robert Wintemute, of the Law School, King's College, London. Dr Wintemute, and ILGA-Europe, had earlier provided support and advice to Mr Fretté.

Karner v. Austria

This case involves the eviction from his flat of a gay man, following the death of his partner, in whose name the lease of the flat was held. The Austrian Supreme Court had held that the legislation which preserved a right to tenancy to unmarried partners in the event of the death of one of the partners should be interpreted as only applying to heterosexual couples. A decision on the admissibility of this case is expected soon. If admissible, ILGA-Europe will try to provide support to this case.

Celebration of the 50th anniversary of the Convention

ILGA-Europe was represented at the ceremony to commemorate the 50th anniversary of the European Convention on Human Rights in Rome, 4 November 2000 by Robert Wintemute (for a full report see *Euro-Letter* # 85, January 2001).

C. ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

On 23 October 2000, Kurt Krickler participated in the OSCE Implementation Meeting on Human Dimension Issues in Warsaw and addressed the conference on agenda item "tolerance and non-discrimination". His oral statement was also published in *Euro-Letter* # 84 (November 2000) and is available on our web-site.

ILGA-Europe also distributed a dossier on human rights violations in Austria.

On 19 June 2001 he represented ILGA-Europe in the OSCE Supplementary

Human Dimension meeting on "Promoting Tolerance and Non-discrimination" in Vienna and intervened in the workshop

discussion addressing the issue of sexual orientation discrimination.

Work programme 2000/2001

Organization for Security and Co-operation in Europe (OSCE)

- ▶ Prepare submissions for and participate in relevant meetings of the Office for Democratic Institutions and Human Rights (ODIHR), especially in the implementation meetings of the Human Dimension.
- ▶ Prepare submissions for and participate in the OSCE review conferences.
- ▶ Establish contacts with the Parliamentary Assembly of the OSCE.

D. PROGRAMME OF ACTIVITIES IN SUPPORT OF LGBT HUMAN RIGHTS ORGANISATIONS IN CENTRAL, EASTERN AND SOUTHERN EUROPE

Most of the activities associated with this item were carried out in the context of EU enlargement (see above under A.4). At this point, we only would like to highlight again our report "Equality for Lesbians and Gay Men: A Relevant Issue in the Accession Process".

In December 2000, ILGA-Europe disseminated information about the ACCESS programme of the European Commission, encouraging organisations in candidate countries to submit funding applications under this programme (see also *Euro-Letter* # 85, January 2001).

We have also secured funding for the Rotterdam Annual Conference's scholarship programme both from the Dutch funding organisation *HIVOS* and the German *Heinrich Böll Foundation* to cover travel and/or other costs of participants from Central, Eastern and Southern Europe.

Work programme 2000/2001

Programme of activities in support of LGBT human rights organisations in Central, Eastern and Southern Europe

- ▶ Encourage co-operation and mutual support between member organisations within Central and Eastern Europe and between organisations in this area, and in Western Europe.
- ▶ Find means of providing support and technical advice to those wishing to establish LGBT human rights organisations in Central, Eastern and Southern Europe, in such areas as lobbying skills, funding, organisational development, combating discrimination and mobilising international pressure in respect of particular human rights violations.
- ▶ Consider developing proposals for joint projects in the LGBT field under the Phare/Tacis/Access programmes.
- ▶ Find ways to increase number of member organisations in Central, Eastern and Southern Europe and to facilitate their participation in the work of ILGA-Europe, including subsidising their participation in ILGA-Europe events, particularly the Annual Conference.
- ▶ Encourage the member organisations within Central and Eastern Europe to:
 - stimulate gender parity and to provide equal representation of lesbian women within mixed organisations;
 - provide equal representation of lesbian women at all decision-making processes within mixed organisations;
 - ensure safe environment for lesbian women within mixed organisations.

Board members Tatjana Greif (Slovenia) and Adrian Coman (Romania) have been networking with groups and activists, in particular in the countries of former Yugoslavia and in Moldova and Bulgaria. Tatjana participated in a meeting of lesbian activists from the countries of ex-Yugoslavia in Rovinj, Croatia, in September. At the meeting the document "Equal Citizenship" was adopted, setting the strategy for mutual co-operation of lesbian NGOs in the states and regions of former Yugoslavia, networking and lobbying for political and social change. The next meeting is going to take place in July 2002 in Ljubljana, Slovenia. Some of the participating lesbian NGOs already applied for membership in ILGA.

The Lithuanian Gay League, *Lietuvos gėjų lyga*, translated ILGA-Europe's 1999 guide *After Amsterdam: Sexual Orientation and the European Union* into Lithuanian and presented this publication at a seminar in Vilnius in September 2001.

E. ACTIONS TO COUNTER HUMAN RIGHTS ABUSES AGAINST LGBT AND HIV+ PEOPLE IN EUROPE

In February 2001, ILGA-Europe signed up to an international appeal in support of the

South African government which, on 5 March 2001, was taken to court by over

forty of the world's largest pharmaceutical companies. They wanted to fight a law that was passed by the South African Parliament and allows life-saving medicines to be imported from countries where they are cheaper. The companies claimed that the law infringes intellectual property rights. The powerful international campaign turned out to be successful as the companies withdrew their action and agreed to a settlement with the SA government out of court.

Work programme 2000/2001

Actions to counter human rights abuses against LGBT and HIV+ people in Europe

- ▶ Monitor human rights abuses based on sexual orientation, gender identity and HIV status in Europe.
- ▶ Mobilise international support for the victims by organising support campaigns by ILGA-Europe's members, and by other international NGOs such as Amnesty International, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission.

On Serbia, see item A.6 on page 9.

F. HIV/AIDS PREVENTION

On 8 November 2000, Kurt Krickler met with Thierry Martin in Brussels, who is working for the Belgian AIDS service organisation *Ex Aequo* which was a partner in the EU-funded European GAP (Gay AIDS Prevention) Network. Several ILGA members, such as *Arci Gay*, Italy, *COGAM*, Spain, or *RFSL*, Sweden, were part of this Network. After the completion of the project, the partners were seeking to continue the project and to receive further funding from the Commission. At the same time they planned to merge with another AIDS project, CERIS, that had received funding from the European Commission and also completed its work. ILGA-Europe was

requested to support the application to continue the two projects jointly. We wrote

letters to the responsible Commission services to that effect in January 2001.

Work programme 2000/2001

HIV/AIDS prevention

► Co-operate closely with the European Gay AIDS Prevention (GAP) Network and support the establishing of its programme, and to encourage ILGA-Europe members to co-operate in AIDS prevention projects with this

Network, including when seeking funding from the EU and other institutions.

► Co-operate with other international NGOs working in AIDS prevention, e. g., the European Council of AIDS

Service Organisations (EUROCASO) and the Global Network of People Living with HIV/AIDS (GNP+).

► Invite ILGA-Europe members who are involved in AIDS prevention networks to be visible as ILGA-Europe members.

G. TRANSGENDER ISSUES

We have started to create a workgroup that will deal with transgender issues in the coming year. As trans membership in ILGA is not high, the first task was to liaise with transgender activists and groups in Europe, and we are pleased to note that trans membership has increased. We hope to have the workgroup established during the coming year. We also decided to “ earmark ” a certain proportion of the scholarship funds for our annual conference to transgender activists to ensure higher representation in Rotterdam. Not all, but most of the position papers submitted by ILGA-Europe to the EU (see item A above) included transgender rights and pointed to the specific issues involved.

The EU is currently dealing with two gender directives – a revision of the 1976 directive on equal treatment of women and men in employment and a new gender directive modelled on the race directive based on Article 13 EC Treaty. The first one is already with the Council of Ministers, whereas the second one is currently being drafted by the Commission.

We will get involved in the lobby process and work within the Platform of European Social NGOs and with the European

Women’s Lobby (EWL) in particular to ensure that gender identity is explicitly mentioned in the draft. ILGA-Europe is to commission a contract with Dr Stephen Wittle, an academic in law in Britain, to draft a legal overview and a political posi-

tion paper for ILGA-Europe, which we intend to work with in the following year. We will attempt to establish funding sources for 2002-2003 for the development of trans policies and first concrete Europe-wide actions.

Work programme 2000/2001

Transgender issues

► Lobby towards the inclusion of gender identity in all European anti-discrimination articles and insist, wherever possible, that discrimination on grounds of gender identity and gender appearance is covered by the existing provisions on gender discrimination.

All laws (rights and duties) accorded to men and women should be applicable to transgender people in their new gender identity (marriage, adoption, parenthood, etc.) The national states should provide public health care for transgender people that aids them in the transition process.

► Work, together with its member organisations, towards ensuring that national states provide the legal possibilities for transgender people to transition, including re-issuing passports and birth certificates.

► Express the belief that the requirement to proof irreversible infertility before being allowed to complete legal transitioning into a new gender is against human rights and work towards the

abolishment of these laws on European and national levels.

► Ensure that the revised policy statement properly reflects the mentioned issues.

► Work towards increased transgender membership in ILGA and transgender participation in conferences (where possible scholarships could be granted).

► Consult with transgender organisations and individuals where appropriate in carrying out these tasks.

H. DEVELOPMENT OF ILGA-EUROPE

ILGA-Europe's current contract period with the European Commission lasts from 1 December 2000 to 30 November 2001. The Commission intends to start all core funding contracts, under the Community action programme to combat discrimination, with the various European organisations active in fighting discrimination on the various grounds listed in Article 13 EC on 1 May 2002 simultaneously. For this reason, ILGA-Europe's follow-up application to the current core funding contract with

the Commission will cover only the five-month period 1 December 2001 to 30 April 2002. We have prepared and submitted this application to the Commission in May 2001.

ILGA-Europe has up-dated its country-by-country inventory of discriminatory laws and practices as established in its 1998 report *Equality for Lesbians and Gay Men – A Relevant Issue in the Civil and Social Dialogue* by monitoring the developments in

all member states. Information on these and many other issues has been provided to many people, media and organisations.

In May 2001 we published a leaflet introducing ILGA-Europe in five languages: English, French, German, Italian, and Spanish. Electronic versions on the web-site exist also in Dutch and Romanian. Translations in other languages are being prepared.

The work on the make over and development of the ILGA-Europe web-site was initiated. All existing files and documents have been revisited, sorted over and regrouped into new sub-sections. The development of a new design has been commissioned. The work is expected to be finished by November, before the end of the current contract period with the Commission.

The year has seen the first two issues of the *ILGA-Europe Newsletter*, in May and August 2001. It is a 20-page newsletter with a circulation of 2,500 copies. It is sent to around 1,000 addresses by mail and distributed on occasions such as meetings and conferences.

In the context of setting up the database for the recipients and subscribers of the newsletter, the address data of all members were also processed and up-dated.

Work programme 2000/2001

Development of ILGA-Europe

1. Core funding

Develop proposal for core funding under the EU anti-discrimination Action Programme 2001-2006, including co-finance for the element of funding requirement not covered by the EU.

practices; monitor developments and keep up-to-date; provide information as appropriate.

Develop ILGA-Europe newsletter to publicise ILGA-Europe activities and provide means of networking and sharing information between members.

2. Documentation and research

Develop and maintain a country-by-country inventory of discriminatory laws and

3. Visibility and communications

Produce a leaflet introducing ILGA-Europe, and including details of how to join.

Develop database of e-mail addresses for all members.

4. Future development

Produce a report for discussion in the lead up to and at next year's Conference on the future development of ILGA-Europe.

Re-develop ILGA-Europe web-site to make more accessible and user friendly.

I. OTHER ACTIVITIES

Pink Triangle Coalition

ILGA-Europe is a member of the *Pink Triangle Coalition*, an "international coalition for co-ordinating affairs relating to the Nazi persecution of homosexuals". One mandate of the PTC is to ensure representation of the homosexual victims of the Nazis vis-à-vis the various new international funds that have been created in recent years. One of them is the International Nazi Persecutee Relief Fund fed with monies from the left-over of the gold the Nazis had looted from the countries they occupied.

In May 2001, the PTC received its so far largest allocation: US \$ 528,000 from the US share of this fund. This amount is being distributed to one international and two projects in Germany (cf. *Euro-Letter* # 89).

Another settlement of relevance for the PTC is the Holocaust Victim Assets Litigation providing for compensation for the Swiss banks' unjust enrichment from the assets the Nazis looted from the victims or derived from slave labour. The settlement is being administered by a US court in New York.

As reported in last year's board report, the PTC had submitted a proposal for a so-called *cy pres* allocation, drafted by Nigel Warner, in February 2000. Since only very few gay and lesbian survivors are still alive, the PTC was asking, on behalf of this victim group, for one per cent of the sum and proposed to set up a foundation which then would distribute the money to support specific activities, such as providing material assistance to gay and lesbian survivors, supporting scholarly research, pro-

moting education and awareness raising, including public monuments, advancing efforts to prevent anti-homosexual persecution throughout the world today.

In June 2001, the PTC learned that its application needed to be amended with additional documentation. Morris Ratner, a specialised attorney consulted by the PTC, also believed that the "special master", appointed by the court in New York to make recommendations about dispersing the money, would look more favourably upon a proposal where the funds would go to an existing organisation. The PTC, therefore, decided to find an existing foundation that would co-operate in this matter and to redraft its proposal accordingly, and to ask the special master for a meeting. The New York-based Astraea Lesbian Action Founda-

tion agreed to “host” the fund if the PTC was successful with its proposal.

On 9 August 2001 seven PTC representatives, including Kurt Krickler for ILGA-Europe, met with special master Judah Gri-

betz in his office in New York to present the new proposal and substantiate the reasons for it in a personal conversation.

Due to the workload of Nigel and Kurt, the board decided to appoint Peter Ashman as

ILGA-Europe’s new representative in the PTC. Peter has until recently been director of the European Human Rights Foundation. With the new developments it is an additional advantage to have a top expert on foundations in this coalition.

J. BOARD MEMBERSHIP, MEETINGS AND BOARD OFFICERS

The Executive Board elected by the 2000 Bucharest conference was composed of Nico J. Beger (*Lesbenbereich Bündnis 90/Die Grünen*, Germany), Adrian Relu Coman (*ACCEPT*, Romania), Isabelle Cruette (*David et Jonathan*, France), Alessio de Giorgi (*Arcigay Pride!*, Italy), Tatjana Greif (*SKUC-LL*, Slovenia), Kurt Krickler (*Homo-sexuelle Initiative (HOSI) Wien*, Austria), Jackie Lewis (*National Lesbian and Gay Committee of UNISON*, the public sector trade union in the United Kingdom) and Nigel Warner (*Stonewall Immigration Group*, United Kingdom).

As reserve members were elected: Alina Nistor (*ACCEPT, Romania*), Anke Hintjens (*Federatie werkgroepen homoseksualiteit, FWH*, Belgium) and Juris Lavrikovs (*HIC*, Latvia).

The Board held six meetings during its period of office:

- on 8 October 2000, immediately following the end of the Bucharest conference. Board members present: Nico Beger, Adrian Coman, Tatjana Greif, Kurt Krickler and Nigel Warner. Reserve members Alina Nistor and Juris Lavrikovs and ex-officio member Pierre Noël also attended. Were excused: Isabelle Cruette, Alessio de Giorgi, Jackie Lewis and 2nd reserve member Anke Hintjens.
- on 9 and 10 December 2000 in Brussels. Board members present: Nico, Adrian, Isabelle, Alessio, Tatjana, Kurt, Jackie and Nigel. Apologies were received from Pierre. Jackie and Kurt were elected co-chairs, Nigel was elected treasurer;
- on 24 and 25 February 2001 in Brussels. Board members present: Nico, Adrian, Isabelle, Kurt, Jackie and Nigel. Apologies: Alessio, Tatjana and Pierre.
- on 25 and 26 May 2001 in Brussels. Board members present: Adrian, Isabelle, Tatjana,



Part of the board: Tatjana Greif (SLO), Nico Beger (D), Jackie Lewis (GB), Kurt Krickler (A), Isabelle Cruette (F), Pierre Noël (B); “missing” members: Adrian Coman (RO), Alessio de Giorgi (I), Nigel Warner (GB)

Kurt, Jackie, Pierre (part of 26) and Nigel. Apologies: Nico, Alessio;

- on 16 July 2001 in Brussels. Board members present: Nico, Adrian, Kurt, Pierre, Jackie and Nigel (half the meeting). Apologies: Isabelle, Alessio and Tatjana;
- on 22 and 23 September in Brussels. Board members present: Nico, Adrian, Kurt, Jackie, Pierre and Nigel. Apologies: Isabelle, Alessio and Tatjana.

The Board will also meet on 23 October 2001 immediately before the start of the 23rd ILGA European Conference in Rotterdam.

Relations with ILGA-World

Jackie Lewis, European representative on the Executive Board of ILGA, attended the World Conference of ILGA in Oakland, USA, during the last week of August. The second European representative, Pierre Noël, apologised for not being able to participate. ILGA-Europe was also represented at the Conference by Adrian Coman.

At the Oakland Conference regular elections were held for the positions of Secretaries-General, and some regions elected their representatives on the Executive Board (as a reminder: ILGA-Europe elects its representatives on the World Board at its Annual

Conference). Kürşad Kahramanoğlu and Anna-Leah Sarabia ran unopposed and were elected as Secretaries-General. Following the regional elections, three new members came into the Board: Rosanna Flamer Caldera (Sri Lanka) in replacement of Anna-Leah Sarabia as Asian representative, Tom Mubiru (Uganda) for the vacant position of male African representative and Tess Lomax (New Zealand) in replacement of Jennifer Wilson (who did not run). Tess Lomax is the first transgender person known as such on the World Board.

The next World Conference of ILGA will be held in Manila in 2003 under the auspices of CLIC. In Oakland, an amendment to the Constitution, aiming at having a World Conference only every two years, was presented by ACCEPT and UNISON; it was defeated despite strong support from European and African groups.

Around 130 delegates attended the Conference. The Conference was part of a Global Gay Summit, some parts of which were well attended (as the elders conference, for example). It should be noted that a greater number than ever of transgender people and groups took part in the event.

One main result of the World Conference in terms of strategy planning for ILGA was the endorsement of a plan presented by the Executive Board.

K. FINANCIAL REPORT 2000

In the fiscal year 2000 ILGA-Europe was involved in three partly externally funded projects:

- ▶ “Stepping Stones and Roadblocks” in collaboration with UNITED Against Racism and Mobility International – EU funded
- ▶ “Eastern Europe-project” – funded by the Open Society Institute (OSI), publication of the report *Equality for Lesbians and Gay Men – A Relevant Issue in the EU Accession Process*
- ▶ Core funding from the EU Commission (beginning 1 December 2000).

UNITED Against Racism dealt with the finances of the project “Stepping Stones and Road Blocks”, and as the project was not concluded in 2000, there had not been any economical consequences for ILGA-Europe. The project closed in 2001 and ILGA-Europe’s income and expenditure are included in the 2001 accounts.

The Eastern Europe project was not finished at the end of 2000, but in 2001. The account of this project (see box on the right) is part of ILGA-Europe’s accounts for 2000 (below) where the following three relevant figures appear:

Accounts for the Eastern Europe project

Income:

OSI	11.177,61	
ILGA-Europe	540,16	Contribution from ILGA-Europe
In kind donations	3.776,46	Authors etc. have donated part of their work
TOTAL	15.494,23	

Expenses:

Co-ordination	1.124,85	Partly in kind
Accounting	224,97	In kind
Authors	4.146,35	Partly in kind
Legal consultant	1.080,32	Partly in kind
Printing	3.781,13	
Mailing	3.240,97	
Administration	1.574,79	Overhead to ILGA-Europe
TOTAL	15.173,38	

Result € 320,85 Reserved for the conclusion of the project 2001

▶ ILGA-Europe’s contribution: expenditure of € 540,16

▶ ILGA-Europe’s overhead: income of € 1.574,79

▶ The result of € 320,85 as a liability of ILGA-Europe to be used for finalising the project in 2001.

The core funding from the EU Commission only started on 1 December 2000. 30 % of the grant (€ 64.886,28) was paid out to

ILGA-Europe, and only a small amount of it (€ 1.335,29) was spent in 2000, mostly for participation in the December board meeting.

Expenditures related to the EU core funding must be accounted separately.

The rest of the EU money (€ 63.550,99) can be found in the ILGA-Europe accounts as a liability, as it will be used in 2001 for the EU project.

ILGA-Europe’s accounts for 2000 (in €)

Income:

Adm. EE-project	1.574,79	15 %	See box above
Donations	8.206,62	81 %	
Fees	315,06	3 %	Voluntary membership fee
Interest	53,28	1 %	
TOTAL	10.149,76	100 %	

Expenditure:

Mailing	1.412,19	17 %	
Bank fees & rate diff	357,73	4 %	
EE-project	540,16	6 %	See box above
Travel	4.310,61	51 %	
Meetings	1.212,11	14 %	See expenditure in EU project above
Misc.	337,31	4 %	
Telephone	335,84	4 %	
TOTAL	8.505,95	100 %	

Result € 1.643,80

Assets:

Bank	77.572,72
SUM	77.572,72

Liabilities:

EU-project	63.550,99	See above
EE-project	320,85	See above
	63.871,84	

Capital: 13.700,89 i.e. ILGA-Europe’s own capital

SUM € 77.572,72

Outside these projects ILGA-Europe has had an income of € 10.150 of which 81 % were donations mainly from individuals.

€ 8.506 have been spent, 65 % of this for travels and meetings.

L. CALENDAR OF MEETINGS & TRAVELS 2000/2001

October 2000

- 8: ILGA-Europe Board meeting, **Bucharest**
- 23: OSCE Implementation Meeting on Human Dimension Issues, **Warsaw**
- 24: Reception of the Platform of European Social NGOs in the European Parliament, **Strasbourg**
- 30: ECAS Forum *Giving legal assistance to citizens across borders*, **Paris**

November

- 4: Commemorative Ceremony for the 50th anniversary of the European Convention on Human Rights, **Rome**
- 7: Biannual meeting between the European Commission and the Platform of European Social NGOs, **Brussels**
- 7: Evaluation meeting for the *Stepping Stones and Road-blocks* projects, **Brussels**
- 8: Meeting with MEP Michael Cashman (PSE/UK), **Brussels**
- 9: Presentation of the project *Combating Violence against Lesbians* in the European Parliament, **Brussels**
- 24-26: European conference *Intercultural Exchange – Pioneering Actions against Various Forms of Discrimination*, **Bad Honnef**

December

- 1: Platform Steering Group meeting, **Brussels**
- 6-7: *Meeting of Civil Society for a Europe of Democracy and Solidarity*, **Nice**
- 9-10: ILGA-Europe Board meeting, **Brussels**
- 11-12: Interviews with candidates for staff positions, **Brussels**
- 13: 2nd European Union Human Rights Forum, **Paris**
- 14: Meeting with representatives of the French EU Presidency, **Paris**
- 19: Meeting of the Platform working group "social policy/anti-discrimination", **Brussels**

January 2001

- 29: SOLIDAR project steering group meeting, **Brussels**

February

- 15: Meeting of the Platform working group "EU Enlargement", **Brussels**
- 21: European Commission Stagiaire Conference *Towards an EU Asylum Policy?*, **Brussels**
- 22-23: Conference *Social and Labour Market Policies: Investing in Quality*, **Brussels**
- 24-25: ILGA-Europe Board meeting, **Brussels**
- 27: Biannual meeting between the European Commission and the Platform of European Social NGOs, **Brussels**

March

- 9: Biannual Meeting between the European Trade Union Confederation (ETUC) and the Platform of European Social NGOs, **Brussels**
- 9-10: Conference of the Centre for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity (CERSGOSIG), **Turin**
- 13: Anti-discrimination meeting of the European Network Against Racism (ENAR), **Brussels**
- 21: European Parliament hearing *The situation of Fundamental Rights in the European Union and the establishment of the European area of freedom, security and justice*, **Brussels**

- 21: Founding General Assembly of the Platform of European Social NGOs, **Stockholm**
- 22: Platform/NGO conference *Forward Europe*, **Stockholm**
- 22: Meeting with a representative of the Swedish EU Presidency, **Stockholm**
- 26: European Commission information meeting on the implementation of the anti-discrimination action programme, **Brussels**

April

- 27: Platform Steering Group meeting, **Brussels**

May

- 4: Platform working group "EU enlargement" meeting, **Brussels**
- 7: SOLIDAR project seminar, **Bolzano**
- 7: Meeting of the Platform working group "social policy/anti-discrimination", **Brussels**
- 10: Anti-discrimination meeting of the European Network Against Racism (ENAR), **Brussels**
- 26-27: ILGA-Europe Board meeting, **Brussels**

June

- 8: Meeting with representatives of the Belgian EU Presidency, **Brussels**
- 19: OSCE Supplementary Human Dimension meeting "Promoting Tolerance and Non-discrimination", **Vienna**
- 24: Europride Colloquium *Lesbians and Gay Men and the European Union*, **Vienna**
- 25: SOLIDAR seminar, **Vienna**
- 26: EU NGO Human Rights Contact Group meeting, **Brussels**
- 27: Press conference in the European Parliament, **Brussels**
- 27: Official opening of the ILGA-Europe office, **Brussels**
- 28: European Parliament *Hearing EU Enlargement – A Gay Perspective*, **Brussels**
- 29: Meeting of the Platform informal working group on equal opportunities, **Brussels**

July

- 5: Meeting of the Platform working group "EU Enlargement", **Brussels**
- 6: Platform Steering Group meeting, **Brussels**
- 14-15: 1st ILGA-Europe EU national co-ordination network meeting, **Brussels**
- 16: ILGA-Europe Board meeting, **Brussels**
- 16: Meeting with a representative of Commissioner António Vitorino, **Brussels**
- 21-28: Université d'été euro-méditerranéenne des homosexualités, **Marseilles**

August

- 6: Round-table on civil society and LGBT NGOs at the Pepsi Sziget Festival, **Budapest**
- 9-10: Meeting of the Pink Triangle Coalition, **New York**
- 28-31: ILGA World Conference, **Oakland**

September

- 1: ILGA World Conference, **Oakland**
- 3-9: Working meeting of lesbian activists from the countries of former Yugoslavia, **Rovinj**
- 12: SOLIDAR project seminar, **Bonn**
- 14: European Women's Lobby seminar on *Strengthening Women's Rights in the Accession Process*, **Brussels**
- 17: Meeting of the Platform working group "social policy/anti-discrimination", **Brussels**
- 22-23: ILGA-Europe Board meeting, **Brussels**
- 25: EU NGO Human Rights Contact Group meeting, **Brussels**
- 28: Anti-discrimination meeting of the European Network Against Racism (ENAR), **Brussels**
- 28: Platform Steering Group meeting, **Brussels**
- 29-30: European conference *Development of quality standards in the recording, handling and mediation of discrimination within networks*, **Duisburg**

October

- 10: International symposium *Labour Market and Discrimination*, **Vienna**
- 11: SOLIDAR project steering group meeting, **Paris**
- 12: SOLIDAR project seminar, **Paris**
- 18-19: European Commission conference on the Community action programme to combat discrimination, **Brussels**
- 23: ILGA-Europe Board meeting, **Rotterdam**

Publications

In the year 2001 ILGA-Europe produced a series of publications:

- ▶ A 100-page report on the situation of LGBT people in the 13 EU candidate countries: *Equality for Lesbians and Gay Men: A Relevant Issue in the EU Accession Process*
- ▶ the first two issues of its new quarterly newsletter
- ▶ a leaflet presenting ILGA-Europe in five languages: English, French, German, Italian, and Spanish.

All these publications are available in electronic format at our web-site: www.ilga-europe.org

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