

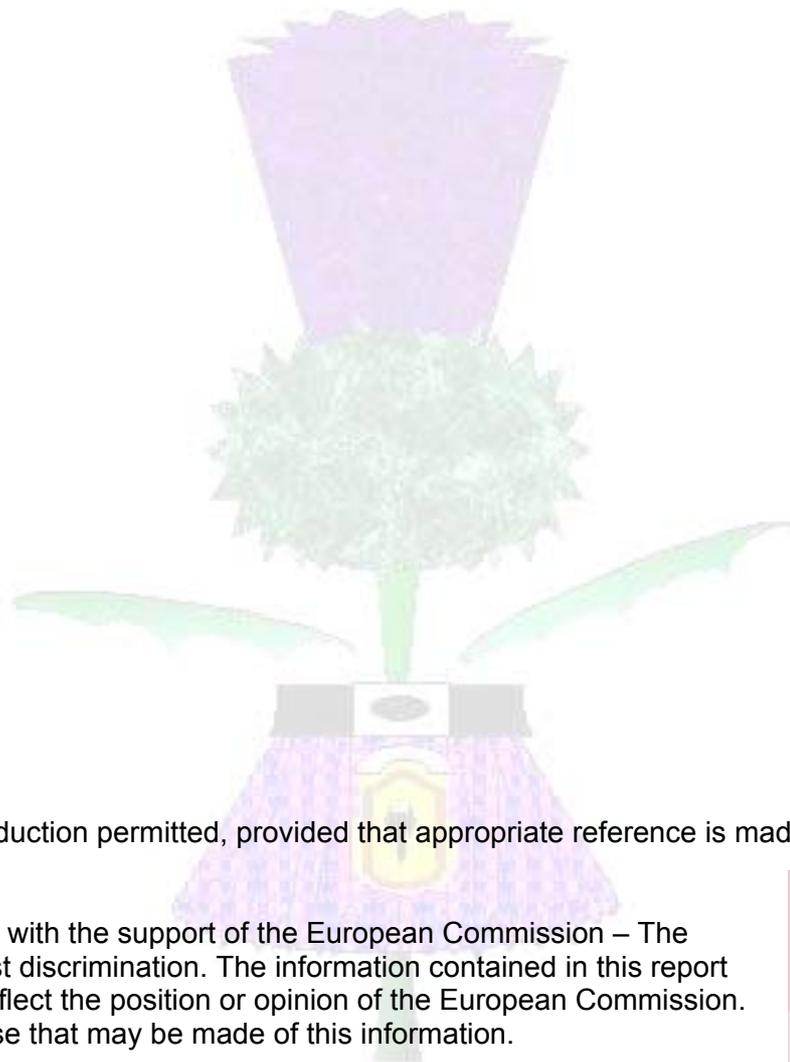
CONFERENCE REPORT

Policy into Practice – making LGBT equality happen



25th European Conference of the International Lesbian and Gay Association
15-19 October 2003

Glasgow, Scotland, UK
Host: Stonewall – Scotland



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1. Introduction

On 15 to 19 October, ILGA-Europe in co-operation with Stonewall-Scotland hosted its 25th European conference in Glasgow, Scotland. ILGA-Europe is the European Region of ILGA, the International Lesbian and Gay Association. ILGA is an LGBT organisation with member groups in six regions covering the world: Africa, Aotearoa/New Zealand/Australia/Pacific Islands (ANZAPI), Asia, Europe, Latin America/The Caribbean and North America. ILGA was founded in Coventry, UK, and is celebrating its 25th anniversary this year. From a small beginning with only 17 co-operating organisations, it now brings together more than 350 member organisations from all over the world.

ILGA-Europe's annual conference is both an opportunity for LGBT activists from all over Europe to meet together and the 'annual general meeting' of ILGA members in the European region. The conference is a unique opportunity for LGBT activists from all over Europe to share experiences, find support, build up skills to strengthen their own organisation and learn about the latest developments in our struggle for equality. The conference theme, *Policy into Practice – making LGBT equality happen*, attracted a wide and diverse audience, ranging from LGBT activists to policy makers, academics, lawyers, government and public service workers.

This has been the largest conference yet, with 26 workshops and 4 plenary sessions. Thanks to financial support received from UNISON Scotland, COC Haaglanden, Pink Cross and Philippe Fretté, scholarships to a number of delegates from Eastern European countries could be granted. More than 180 participants from 36 European countries gathered in Glasgow to explore the relationship between legislation and policy in areas such as policing, health, youth, disability, family and faith.

ILGA-Europe delegates looked at ways to further strengthen the equality agenda throughout Europe (e.g. WS 1, WS 6, WS 7 and WS 14). Anti-discrimination legislation such as the EU Framework Directive combating discrimination in employment is a vital first step in establishing minimum protection standards for lesbians and gay men. ILGA members, however, expressed concern at the number of EU member states that still have done little to fully transpose the directive before the deadline of 2nd December this year (WS 9). On the eve of enlargement of the European Union and in the midst of the Intergovernmental Conference, European LGBT organisations urged the EU to stand by its commitment to equality.

Much attention was given to the changing definition of family (WS 2 and WS 23) and the destructive role of the Vatican in this context. Whilst some European states are revising and expanding their understanding of family, others oppose this vehemently. Though the European Parliament has recently urged all EU Member States to open marriage and adoption to gay and lesbian couples, there has been no consistent recognition of same-sex relationships in recent legislative developments on asylum and migration or on free movement rights. The conference also looked at the increasingly important role of the Council of Europe in fostering LGBT rights beyond the boundaries of the EU (e.g. WS 5, WS 11, WS 15).

The conference was also an opportunity to explore ways of translating policy into effective anti-discrimination work. In the opening plenary, Yvonne Strachan, head of the Equality Unit of the Scottish Executive and Angela Mason, former Director of Stonewall and head of the Women and Equality Unit (UK Government) addressed the issue of public policies and their implementation in the context of Scotland and the UK. Ms Strachan highlighted ways the Scottish executive has addressed the issue of equality since devolution in 1999. She focussed on the importance of tackling equality not as an afterthought but an essential element of policy practice, be it in the context of health, education, housing or justice. Angela Mason, in turn, looked at the importance for the LGBT movements to relate the struggle for equality to wider aspirations in society. She urged the conference to further develop the diversity perspective to discrimination, since the LGBT communities are in themselves diverse and governments increasingly develop common policies to

address discrimination where possible. Looking at diversity and multiple discrimination – both within ILGA and beyond – was a theme tackled in many workshops (WS 3, WS 4, WS 8 and WS13).

The conference also provided a forum for capacity building, including a workshop on fund-raising (WS 20), networking (WS 19), media relations (WS 18) and on transnational co-operation (WS 7 and WS 22). Beyond the formal conference structure, an open space session provided room to discuss and meet informally. This first attempt was welcomed and will be further developed for next year's conference.

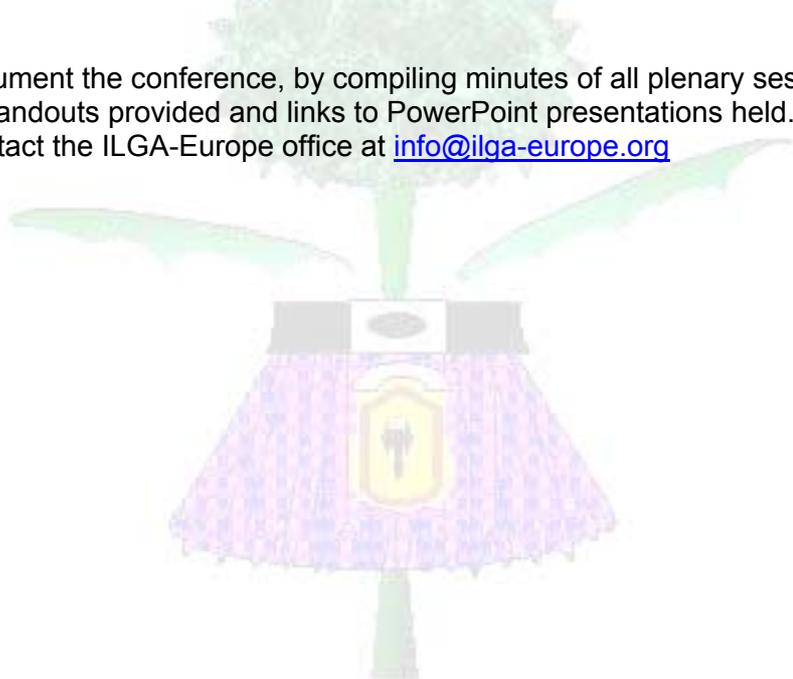
General Assembly

The annual conference also serves as ILGA-Europe's general assembly. To meet this end, a number of different types of gatherings are held. The conference sessions where all conference participants meet together are called the plenary sessions. These are the sessions during which any formal conference decisions – including amendments to the work programme or executive board elections – are made. Another important element of the AGA is the workshops. Some focus on information and skill-sharing. Others, however, explicitly consider key aspects of ILGA-Europe's work and prepare recommendations to the plenary sessions (marked on programme with an asterisk). Another formal element of the conference is the caucus meetings, meetings of any collective body that wishes to discuss any subject of mutual interest. This year a women's caucus and a transgender caucus were held.

At the conference, the [activity report](#) for the past 12 months was presented for debate and adoption. Also presented and adopted were: the [audited accounts for the calendar year 2002](#), the budget for the coming year and a detailed [work programme](#) for the 12 months until the next annual conference in October 2004. Treasurer Nigel Warner also gave an overview of the [current financial situation](#) of ILGA-Europe and presented the [budget for 2004](#).

Finally, the conference expressed their gratitude to board members Nico Beger and Kurt Krickler, both of which have supported ILGA-Europe through their hard work for many years. The conference elected a new Executive Board as well as two representatives of the European Region on the ILGA world board. ILGA-Europe's annual conference 2004 will be hosted by [Hátter Support Society for Gays and Lesbians](#) in Budapest, Hungary. The theme will be *Coming out to the EU*, a celebration of the enlarged and increasingly diverse European Union. Conference also confirmed [Paris](#) as the venue for 2005.

This report aims to document the conference, by compiling minutes of all plenary sessions and workshops as well as handouts provided and links to PowerPoint presentations held. For further information, please contact the ILGA-Europe office at info@ilga-europe.org



2. Messages of Support

Statement by John Monks General Secretary of the European Trade Union Confederation to the ILGA conference, 16-19 October 2003, Glasgow

The European trade union movement is at the forefront in defending human rights and trade union rights. This fight must include a commitment to equal treatment, respect and dignity for lesbians, gay men, bisexuals and trans-gendered people. However, we have to admit that to date, the rights and realities of lesbians, gay men, bisexuals and trans-gendered people have been given insufficient attention, both inside and outside the trade union movement.

Diversity helps to build good teams. Respect is the basis for individual input and commitment. Social support is the environment everybody needs in order to be productive and to contribute. Black or white, man or woman, young or old, and yes, heterosexual or homosexual: we all benefit when there is respect, dignity and equal treatment: In trade unions, in society at large, and certainly at the workplace.

The ETUC-congress in Prague in May 2003 adopted a 4 year Action Programme, in which it commits itself to:

- Fight against social exclusion, poverty and inequality
- Recognise the diversity of the European workforce, and build solidarity between all the different groups of workers
- Combat discrimination in all its forms with respect to gender, nationality, race, disability, sexual orientation and gender identity, age, religion and social origin
- Reflect and act on prejudices that may be inherent in trade unions' own structures.

The recent changes in EU legislation, and notably the new employment framework directive, which includes discrimination on grounds of sexual orientation, provide a legal basis for a more active approach. In addition, the European Commission has launched an EU-wide action programme against discrimination, noting that while an effective set of laws against discrimination is an essential tool to help stamp out unfair treatment, on their own, laws are not enough.

The ETUC is aware that while some progress has been made in a few trade unions regarding anti-discrimination and the inclusion of lesbians and gay men, in the trade union structures as well as in the workplace, little has been done to date on the European level. We therefore intend, as a first step towards redressing this, to launch a project with our member organisations to develop a clearer picture of what is happening at national level in this regard, encourage an exchange of best practice, gather examples of collective agreements which promote diversity and anti-discrimination in the workplace and facilitate networking among trade unionists across Europe.

The ETUC also wants to explore the possibilities to get the commitment of employers-organisations to discuss for instance guidelines and/or a model-code of conduct that can be used in all workplaces.

The ETUC welcomes the attendance of the many trade union colleagues at the ILGA conference, and wants to express its support for their activities in their unions and workplaces, as well as its support for the cooperation with other organisations that have specific interests and expertise to contribute.

Trade unions can, and should be, a strong ally for lesbians, gay men, bisexuals and trans-gendered people, because they are powerful players in the field of work and employment policies.

Together we can make a difference.

2. Messages of Support (cont'd):

EuroFlag

European families of lesbians and gays

To Ailsa and all our friends in ILGA-Europe

The parents from EuroFlag send our best wishes for your conference.

I wish we could be with you – perhaps next year?

Let us know how we can work with you to make LGBT Equality happen.

Have a wonderful time!

**Jenny Broughton
President EuroFlag**



3. Conference Timetable

	Tue 14 th	Wed 15 th	Thu 16 th	Fri 17 th	Sat 18 th	Sun 19 th
08.00 – 9.30		<i>Breakfast</i>	<i>Breakfast</i>	<i>Breakfast</i>	<i>Breakfast</i>	<i>Breakfast</i>
09.30 – 11.00		Staff and volunteer briefing 10.30 LGBT Muslim Seminar;	OPENING CEREMONY Welcome & context setting - 'Route map' of event	Workshop 5 Workshop 6 Workshop 7 Workshop 8	Workshop 17 Workshop 18 Workshop 19 Workshop 20	10.00 - Conference conclusions 11.00 - Next steps 11.30 - Group discussions
11.00 – 11.30			<i>Break</i>	<i>Break</i>	<i>Break</i>	12.15 – 12.45 FEEDBACK
11.30 – 13.00		Network meeting	OPENING PLENARY KEYNOTE SPEECHES	PLENARY PANEL (Employment)	Board candidate presentations and Election 2005 Venue hustings Presentation from Hatter 2004	12.45 CLOSING CEREMONY 1pm Conference ends
13.00 – 15.00		<i>Lunch Day 1 only</i> 13.00-14.00	<i>Lunch</i> <i>Fringe: archives/oral history 2pm -</i>	<i>Lunch</i> <i>(14.00 – 15.00 CEE Caucus)</i> <i>Fringe : Health launch – at The Lighthouse 2pm</i>	<i>Lunch</i> <i>Fringe : partnership rights 2pm</i>	13.30 – 14.30 Board Meeting
15.00 – 16.30	Board meeting	LGBT Muslim Workshop; Network meeting Finish 5pm	Workshop 1 Workshop 2 Workshop 3 Workshop 4	Workshop 9 Workshop 10 Workshop 11 Workshop 12	Workshop 21 Workshop 22 Workshop 23 Workshop 24	
16.30 – 17.00	<i>Break</i>	<i>Break</i>	<i>Break</i>	<i>Break</i>	<i>Break</i>	
17.00 – 18.30	Board meeting	WELCOME & INFO session	'Open Space' group mtgs (various topics)	Workshop 13 Workshop 14 Workshop 15 Workshop 16	17.00 – 18.00 PLENARY Feedback briefing	
18.30 – 19.30		Women's caucus	19.15 Civic Reception,	19.00 Community reception Women's visit to lesbian archive	Transgender caucus 18.00 – 19.00	
19.45 – 20.15		Chairing Pool selection	Lord Provost of Glasgow		AWARDS CEREMONY 19.15 – 20.00	
20.30 – 22.30	<i>Dinner – 'unscripted' for Board members to make decision</i>	<i>Dinner at hotel</i>	<i>Dinner at China Buffet King</i>	<i>Dinner at Metropolitan restaurant in Old Fruitmarket</i>	<i>CEILIDH (Scottish dance and music event) 20.15 - midnight (incl. Food)</i>	
LATE		<i>Guided 'scene' tour - local volunteers</i>			<i>Free Club entry after</i>	

3. Conference Programme:

Thursday 16th October 2003			
Opening Plenary: 'National government – translating policy into effective anti-discrimination work' Karina Stibbards; Angela Mason			
11.30 – 13.00			
	Lunch	13.00 – 15.00	
WS no.	Theme / working title	Time	
1	Translating government policy into effective anti-discrimination work at national level <i>Ben Baks; Yvonne Strachan</i>	15.00 – 16.30	
*	2 Personal status issues – introduction and update to I-E's policy paper <i>Mark Bell</i>	15.00 – 16.30	
*	3 Conclusions of Muslim Seminar – report from proceedings of previous day <i>Suhraiya Jivraj; Adnan Ali</i>	15.00 – 16.30	
	4 Disability and multiple discrimination – what are the practical issues? <i>Susan Douglas-Scott; Nora Bednarski</i>	15.00 – 16.30	
Afternoon Break		16.30 – 17.00	
Open Space sessions	Including (among others): <ul style="list-style-type: none"> * ILGA finances capacity building in accession countries women's issues * European Parliament elections C & EE networks, 	17.00 – 18.30	
Friday 17th			
	5 Policing and the LGBT community – European good & bad practice <i>Paddy Tomkins; a Ukrainian speaker</i>	09.30 – 11.00	
*	6 Convention / IGC – a briefing on progress, and lobbying actions <i>Birgit Hardt</i>	09.30 – 11.00	
	7 Equal-project "Equal Sexualities at Work" <i>Arjos Vendrig; Anette Sjodin</i>	09.30 – 11.00	
	8 LGBT & Faith – supporting people & strategies for challenge <i>Karima Zahi; Sheila Swatschek</i>	09.30 – 11.00	
Morning Break		11.00- 11.30	
Plenary Panel: 'Equality in employment – understanding new rights and responsibilities'			
11.30 – 13.00			
	Lunch	13.00 – 15.00	

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*	9	Implementing Framework Directive – progress report <i>Ailsa Spindler</i>	15.00 – 16.30	
	10	Health issues for LGBT community – what are EU competencies; example of good research in Scotland <i>Tamsin Rose; Alastair Pringle; Lothian LGBT Healthy Living Centre speaker</i>	15.00 – 16.30	
	11	Council of Europe – ILGA-Europe as an agent of change <i>Nigel Warner</i>	15.00 – 16.30	
*	12	Transgender workshop 1 <i>Nico Beger</i>	15.00 – 16.30	
Afternoon Break			16.30 – 17.00	
*	13	Transgender workshop 2 <i>Nico Beger</i>	17.00 – 18.30	
	14	Trades Unions and European LGBT issues – what is the role of trades unions in the fight against discrimination? <i>ETUC; Maria Gigliola Toniollo</i>	17.00 – 18.30	
*	15	Human Rights for 3 rd countries and Asylum Issues – a report <i>Nigel Warner; Sheila Swatschek</i>	17.00 – 18.30	
	16	Youth LGBT issues <i>LGBT Youth Scotland</i>	17.00 – 18.30	
Saturday 19th				
	17	Bisexuality – attitudes, understanding and action <i>Tiia Aarnipuu</i>	09.30 – 11.00	
	18	Developing LGBT NGOs in C&E Europe – the role of media management <i>Milica Pesic</i>	09.30 – 11.00	
	19	Building networks – practical help in increasing capacity in your network <i>Birgit Hardt; Robert Simon</i>	09.30 – 11.00	
	20	Strategic fundraising for the voluntary sector <i>Rupert Tebb</i>	09.30 – 11.00	
Morning break			11.00 - 11.30	
*	ELECTION of Board Vote on venue for 2005 Presentation on Budapest 2004		11.30 – 13.00	
Lunch			13.00 – 15.00	
	21	Developing Community Capacity; examples of good practice <i>Beyond Barriers; C21</i>	15.00 – 16.30	
	22	Transnational Exchange Projects – introduction of the latest Call for Proposals, and discussion of practical issues <i>Birgit Hardt; Cecile LeClercq; Karima Zahi</i>	15.00 – 16.30	

23	Issues of conception and parenting for lesbian and bisexual women. <i>Tatjana Greif; Tiia Aarnipuu; John Gonzalez; James Lawford-Davies</i>	15.00 – 16.30	
* 24	ILGA-Europe Work Programme – discussion of proposals <i>Jackie Lewis</i>	15.00 – 16.30	
	Afternoon break	16.30 – 17.30	
PLENARY : Conference themes feedback briefing			
17.30 – 18.30			
	Awards ceremony	19.45 – 20.15	

* = Workshops dealing with aspects of ILGA-Europe's work programme, or other formal business, and able to make recommendations to the final plenary session.



4. Minutes of Plenary

OPENING PLENARY

Thursday 16 October 2003, 9:30 a.m. – 1 p.m.

Chair	Kurt Krickler (Co-Chair) and Ali Jarvis (Stonewall Scotland, host organisation)
Minute Taker	then, from agenda item 4 on, Steffen Jensen (LBL) and Magda Gadomska (Lambda-Warszawa) Pierre Noel (Executive Board)

1. Welcome	Kurt Krickler and Ali Jarvis welcomed participants to the Conference. Kurt Krickler emphasised that 2003 was the 25th anniversary of ILGA and also a year marked with various accomplishments in the field of LGBT rights. One of them is the abolition of anti-sodomy law in Armenia, which made the European region free of laws criminalising homosexuality as such for the first time in centuries. Ali Jarvis explained that the LGBT Scottish community had volunteered to host the conference in order to be able to share internationally good practices found in Scotland and to increase networking. She also introduced the programme of the Conference.
2. Route map for the Conference	Ailsa Spindler, Executive Director, explained organisational procedures, including fire procedures. She also introduced the staff of ILGA-Europe.
3. Election of Chairing Pool	The Conference approved the recommendation from the Chairing pool selection meeting held on Wednesday 15 October 2003 that the following persons be elected to the chairing pool: Bence SOLYMAR (Hatter, Hungary), Steffen JENSEN (LBL, Denmark), Craig BROWN (Stonewall Scotland), Grada SCHADEE (AOB, Netherlands), Magda GADOMSKA (Lambda Warszawa, Poland), Robert SIMON (David et Jonathan, France).
4. Appointment of election officers and counters	The Conference endorsed the appointment of René LALEMENT (Inter LGBT) and Lucile MOQUETTE (COC) as Election Officers and Isabelle CRUETTE (David et Jonathan, France), Renato SABATINI (ARCI-Gay, Italy), Stig-Ake PETERSEN (RFSL) and Inge-Lise PAULSEN (LBL) as counters.
5. ILGA 25th Anniversary Show	Ailsa Spindler, Executive Board, made a presentation celebrating the 25th anniversary of ILGA and, coincidentally, the 25th ILGA conference held in Europe, and taking stock of 25 years of activism.

	<p>Click here for PowerPoint Presentation 25 Years of ILGA</p>
<p>6. Presentation of the Board's report for 2002/2003 / Questions and answers / Approval of the report</p>	<p>Jackie Lewis and Kurt Krickler, Co-Chairs, introduced the Board's report for 2002/2003. They underlined recent developments in the work that ILGA-Europe does in relation with Eastern Europe, Council of Europe and transgender issues, and introduced Don Bisson, newly appointed as Director for EE/CoE/transgender issues. He was due to start his functions on 1st January 2004.</p> <p>Tribute was paid to the contribution of Kurt Krickler and Nico Beger to the work of ILGA-Europe, who were not seeking re-election to the Executive Board.</p> <p>Nigel Warner, Treasurer, indicated that the financial matters would be discussed at the Finance workshop scheduled during the open space slot (Thursday 16 October, afternoon).</p> <p>The Conference approved the report and thanked the Board members and staff for their work.</p>
<p>7. Keynote speakers</p>	<p>"National Government – Translating Policy into Effective Anti-Discrimination Work"</p> <p>Yvonne Strachan, head of the Equality Unit of the Scottish Executive and Angela Mason, former Director of Stonewall and head of the Women and Equality Unit (UK Government) addressed the issue of public policies and their implementation in the context of Scotland and the UK. (see attachment for a summary)</p> <p>A short session of questions and answers followed.</p>
<p>8. Address by Kursad Kahramanoglu, Co-Secretary General of ILGA</p>	<p>Kursad Kahramanoglu addressed the Conference and spoke about the work done by other ILGA regions. One major event to come is the World Conference of ILGA, to be held in Manila in November 2003, which is to be a major boost for the Asian LGBT community in particular and the LGBT community at large.</p>
<p>9. Call for nominations</p>	<p>Nominations were called for reserve members of the ILGA Executive Board (male and female positions). The deadline is Friday 17th October, at 3 p.m. and nominations can be handed to the election officers.</p>
<p>10. Household matters</p>	<p>Ali Jarvis introduced the programme for the rest of the day.</p>

Opening plenary

Keynote speakers – Yvonne Strachan

Scotland underwent a major transformation in its governance with the devolution of power to the newly created Scottish Parliament in 1999. Most of the public policy areas are now devolved enabling many of the decisions affecting the daily lives of people in Scotland to be taken in Scotland.

It helped to open new opportunities of work for equal opportunity, on an even broader basis than gender, race, disability, and made equal opportunities a founding principle of the Scottish Parliament. Although equal opportunities remained a prerogative of Westminster, the Scottish Parliament has powers to encourage equal opportunities and to place duties on public bodies or have due regard to existing equal opportunities legislation in their work. Moreover, established Committees and all Scottish executive bills have to have a statement of impact on equal opportunities.

The Scottish Executive gave prominence to equality with the establishment of an Equality Minister in the Cabinet and an Equality Unit to drive forward equality across Government departments for all groups defined in the Scotland Act and the development of a mainstreaming strategy.

An essential part of the delivery of the strategy is the partnership with LGBT communities and their engagement in the policy making process. Early discussion with national organizations led to a series of events or seminars hosted by Ministers, which provided an opportunity for direct contact between Ministers and LGBT people and helped to identify initial priorities in health, education, justice, housing and other areas. It also helped in identifying the need of a more structured and effective channel of communication between LGBT communities and government instances.

To that effect, the Executive decided to fund the consultation process and capacity building as follows:

- £100,000 to the Equality Network to develop a more structured approach to consultation with LGBT people over the coming years;
- a further £44,000 to LGBT Youth Scotland specifically to engage with LGBT young people;
- also funded production of a database of LGBT community organizations;
- committed to looking at and supporting one off events.

In this way, the Executive has established strong working relationships with the national LGBT organisations in Scotland (Equality Network, Outright Scotland, LGBT Youth, Stonewall Scotland and Beyond Barriers).

Regarding legislation, addressing discrimination has been at the top of the agenda for LGBT communities in Scotland. In addition to the range of key pieces of legislation in which equality provisions have been made (for example, in Local Government Scotland Act and the Standards in Schools Act 2000), the Executive has taken steps to recognise same sex partnerships and is now consulting on proposals to recognise same sex relationships through civil partnership registration along a scheme that would grant same sex partners rights and responsibilities similar to those of married couples.

In addition to the changes in the law, the Executive is interested in issues that go beyond legislation, like hate crimes and service delivery (in the field of health for example). Research and statistics are also important tools for taking forward mainstreaming. The evidence already collected is not always usable by policy makers. Therefore, the Executive is funding a study to explore the existence of and the need for data on sexual orientation. Just two weeks ago, the Executive also published the findings of a significant survey of people's attitudes to discrimination in Scotland, which showed that 68% of people in Scotland believe that more needs to be done to get rid of all kinds of prejudice in Scotland.

A strong message in the Equality Strategy is the need to work in partnership to tackle discrimination. This means actions being taken not only by Government but also by others with responsibility and with interest (LGBT organisations, local authorities, etc.). The Scottish Executive is committed to change and will continue to work with LGBT communities in partnership to find the most effective ways to deliver results.

Opening plenary Keynote speakers – Angela Mason

Recent developments have been very exciting with EU accession, implementation of the framework directive against discrimination in employment, and new achievements in the UK (repeal of section 28 for example, two years after Scotland) and in Scotland. This is the result of a huge struggle, which is not over. Also, more needs to be done to change conditions of everyday life (in schools, hospitals, services).

In that context, the LGBT movement needs to reflect on:

- What it is really trying to say. Of course, it fights for rights for all LGBT people, but it has to think how that message relates to wider aspirations in society and government. The wider economic case for equality can be made: no society can be prosperous unless it uses all talents of all its people. A wider democratic case can also be made in the light of the political disengagement of people across Europe and the rise of the far right. But most importantly, a case has to be made in the wider context of human rights for all people since, with globalisation and free movement of labour, no one lives anymore in a homogeneous society and can afford not to deal with difference.
- Which way does it want to go? It has to develop the diversity perspective, since 1) the LGBT community is diverse itself (different faiths, different cultures, different races, men and women), 2) mainstreaming has to be done in the context of other discrimination (racism, disablism, etc), with – for example - common policies for schools aiming at building self-esteem.
- What are going to be the institutional arrangements? There must be the right institutions outside the government. The trend across Europe is to have a single body for equal opportunity.
- Leadership: in difficult circumstances, support from government and LGBT communities is crucial, as well as role models (open LGBT people in public life).
- Importance of dialogue and partnership: governments do not know very much about many things, including LGBT communities and can only develop policies in consultation with people who know what the issues are. LGBT organisations have to know how to deal with governments.
- Evidence: there is a need for research on LGBT issues and on why and how people are prejudiced.
- Tools for change. There is a need to understand what makes people move from a position of intolerance to a position of understanding and inclusion. This work is only beginning.

Conclusion: there is a huge task to create a new strong civil society based on equality and inclusion. The LGBT movement can find many allies across Europe and the world, and in many sections of the community. Organisations like ILGA-Europe help to promote solidarity and empower people. Which is essential since things do not change, it is people who change things.



4. Minutes of Plenary

Equality in Employment – Understanding New Rights and Responsibilities

Friday 17th October 2003, 11:30 – 13:00

Chair	Jackie Lewis (UNISON)
Minute Taker	Pierre Noel and Yves de Matteis

Guest speakers	<p>The guest speakers were:</p> <ul style="list-style-type: none">• Shona Simon (Chairman of the Employment Tribunal – Scotland), who described the Scottish employment tribunals and how they are adapting for implementation of the EU Employment Equality Directive (see summary attached); <p>Click here for PowerPoint Presentation: Employment Tribunals (Scotland)</p> <ul style="list-style-type: none">• Professor Noreen Burrows (Jean Monet Professor of Law at the University of Glasgow), who addressed the issue of the directive in the context of the broader equality framework (see summary attached).• Cecile LeClercq (DG Employment and Social Affairs, European Commission) being unable to attend the Conference, Ailsa Spindler, Executive Director, gave her presentation on her behalf. <p>Click here for PowerPoint Presentation: EU Policies to combat discrimination</p> <p>(The European Trade Union Confederation (ETUC) originally agreed to contribute to the panel discussion but could not be represented because of a major ETUC meeting.</p>
	<p>The keynote speeches were followed by a short session of questions and answers, in which the following points were addressed:</p> <ul style="list-style-type: none">- the place of transgender issues in this context;- the future perspectives of more EU antidiscrimination legislation (unanimity requirement, need for a consolidated directive);- input from trade unions;- hierarchy between discrimination grounds.

Plenary Panel Keynote speaker: Professor Noreen Burrows

First of all, speaking of Europe and equality law, one has to realise that the European Union (15 states, soon to be 25) and the Council of Europe (45 states) have very different agendas.

The European Union equality agenda has been based on the development of the single European market, with its emphasis on free movement of workers, accompanied by the development of a series of policies to enable this single market, for a more fully integrated European political and economic union.

The grounds on which discrimination is prohibited have, until recently, been very restrictive, having their origin in the Treaty of Rome, with prohibition mainly on the grounds of nationality, as well as the principle of equal pay (as part of functioning of a common market). In addition, specific aspects of discrimination have been developed rather recently, as was the case with sex discrimination: it was through the European Court of Justice that the principle of gender equality came to be recognized from the years 1960 to 1980. But even today, it is limited to areas with specific legislation such equal pay, equal treatment in access to employment, pregnancy, etc.

In 1998, the Treaty of Amsterdam gave a much broader view on other forms of discrimination, especially the art. 13 which gives the Council of the EU the right to take action against discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (with unanimity of the states in order to develop this legislation).

Two directives have been adopted on the basis of art. 13: interdiction of discrimination in the area of ethnic origin or race (very wide scope), and equal treatment in employment and occupation (much more limited).

Certain attempts were made in the European Court in order to see same sex partnership recognized, e.g. the Bosman case (relating to football transfer market), arguing that the non-recognition of same sex partnership could result in affecting the rights of certain workers to exert their free movement. But the issue was preferably not addressed as a family law debate.

The European Court of Justice has always been reluctant to address certain difficult cultural or religious issues such as abortion, or family responsibilities or same sex partnerships.

To sum up, there was until recently no general competence to legislate in order to prohibit discrimination on grounds of sexual orientation. More recently, art. 13 has provided a legal base for further action.

The Council of Europe has a much more human rights oriented approach. The European Convention on Human rights provides for a series of civil and political rights to all on the basis of the non-discriminatory principle, even if this is not a free standing right and must be read alongside one of the substantive rights mentioned in the Convention. Mr Dudgeon, for instance, won his case on the basis of privacy infringement, not because of the violation of the non-discrimination principle.

The rights in the European convention are traditional civil and political rights, as those deriving from the European Union are economic and social rights, but both can influence each other.

In the case of P v. S and Cornwall, a case relating to a person undergoing gender reassignment, the European Court of Justice gave the priority to the human rights approach. In the Grand case, though, the same court did not rely on the human rights perspective.

The Broader European Equality Law Framework – the Future Position and Issues

The draft Constitution submitted in June 2003 is rather disappointing. As art. 13 sits side by side in the Treaty with a general prohibition on grounds of nationality in art. 13, and both are in the part, which set out the principles on which the EU is based, the draft Constitution doesn't start with such a principle, but in art. 2, with the definition and objectives of the Union, which are, amongst others, equality and respect for human rights. Art. 3 relates to social exclusion, equality between man and women, solidarity between generations and protection of children's rights. Art. 4 reminds that no discriminations based nationality should be permitted, but apart from this and the reference to equality between man and women, no mention is made of other prohibited grounds (age, disability, sexual orientation or religion), which is a retrograde step. Art. 12 is now divorced from art. 13. And it is only many pages afterwards do one finds a reference to the old art. 13, in part III of the new Constitution dealing with policies and functioning of the EU. Symbolically, this means that the principle of non-discrimination is not seen as a fundamental principle any longer but just an aim underlying the policies of EU.

The new article III, 8, a rewording of old art. 13, limits the powers of the Council, where as the old art. 13 allowed the Council the possibility to decide appropriate measures. Other negative point, both articles require unanimous consent in order to legislate on equality. What was difficult with 15 members will become almost impossible with 25 members, given the different cultures and beliefs. A qualified majority voting would have been much preferable. Also disappointing, the fact that the European Parliament, which was very favourable to LGBT rights, has not become co-legislator with the Council.

The Employment Directive – some comments

Directive on employment aims to defend discrimination in employment fields, but in relation to sexual orientation there are obvious weaknesses:

- 1) no requirement on members states to establish special bodies to promote equal treatment (as is the case with the race directive)
- 2) As described by Mark Bell, it is an "an open-ended justification for any form of discrimination: Article 2 (5) leaves the states a wide margin of freedom,
- 3) An obvious problem: the exception that religious organisations can refuse to employ a person if the candidate is of a different religion.

Last point: will the directive be expanded to cover other fields as is the case with the race directive? It is very unlikely given the fact that unanimity would be necessary, among 25 members after May 2004 - some accessing countries being even less liberal some than existing members.

Plenary Panel

Keynote speaker: Shona Simon

For the Employment Equality Directive to work, people have to take legal claims to courts to test the directive and relevant regulation in each Member State.

Employment tribunals¹ have been preparing for it in Scotland. They apply statutes which are UK wide in coverage but in doing so, they also apply EU law if relevant to the issue in question. In areas where there is a relevant directive, they must try to interpret domestic law in accordance with the parent directive.

Employment tribunals are usually made up of a legal chairman, who must be a qualified solicitor or advocate with at least 7 years experience and two lay members. The chairman is not an employee of anyone and holds an independent judicial office. It used to be that individuals were nominated solely by trade unions and employers' federations. Nowadays vacancies are advertised in the press and anyone can apply, although they will still be asked to identify which panel they think they should be on – employer or employee. As a result of their practical experience and knowledge of what goes in the workplace, they can be particularly important in deciding on the facts of a case.

The jurisdiction of employment tribunals has tremendously expanded since their creation in 1964. These days, it is very common to get multi headed applications in which an individual will, for example, complain of unfair dismissal, unlawful deduction of wages and discrimination of some type. In the year 2002/03, almost 99,000 applications were made.

In the context of sexual orientation discrimination, it is important to note that employment tribunals have had exclusive jurisdiction to deal with employment based discrimination claims arising under the Sexual Discrimination Act (1975), Racial Relations Act (1976) and Disability Discrimination Act (1995). They have thus built a body of experience and knowledge, which will also help to deal with complaints of discrimination under the Employment Equality (Sexual Orientation) Regulations (2003). It also means they are experienced in applying domestic law in an area in which there is a parent directive which can influence the interpretation of domestic law.

Employment tribunal members are currently provided with ongoing training, which is designed to help them to act judicially in every case including discrimination claims. Training covers issues of bias, language use and the legal principles arising out of the Regulations. It has been decided that if they do not participate in the training, they cannot sit on such cases. This rule will apply to sexual orientation discrimination cases as much as to any other type of discrimination case. Moreover, before a tribunal chairman or member can sit on any type of discrimination case, they must gain experience of sitting in other types of cases such as unfair dismissal and wages claim.

¹ « Employment tribunals » are not administrative tribunals that deal with disputes between the State and an individual. They deal with disputes between employers and employees just like the ordinary civil courts, as well as with claims against bodies such as GMC, Law Society etc, as long as they relate in some way to employment issues. They are set up by a particular Act of Parliament and if the State wishes to give them the right to deal with a certain type of claim, they must be given a specific power to do that by an act of parliament or secondary legislation. Sexual orientation regulation is a good example of them being given jurisdiction to deal with claims of a particular type.

4. Minutes of Plenary

Election of Board and Future Conference Venues

Saturday 18th October 2003, 11:30 – 13:00

Chair	Grada Schadee (ABO) and Magda Gadomska (Lambda Warszawa)
Minute Taker	Pierre Noel
1. Announcements by Chair	Various technical and household matters announcements were made.
2. Procedure for voting	ILGA-Europe Executive Board: votes can be cast for 0 up to 4 candidates on each ballot (male and female). Deadline for voting is 3:15 p.m. and results will be made public at the next plenary session, Saturday at 5:00 p.m.
3. Presentation of candidates for the Executive Board of ILGA-Europe	<p>The candidates introduced themselves in the following order: Tiia AARNIPUU (SETA, Finland), Tatjana GREIF (SKUC-LL, Slovenia), Vera CIMPEANU (ACCEPT, Romania), Deborah LAMBILLOTTE (Holebifederatie, Belgium), Jackie LEWIS (UNISON, United Kingdom), Maxim ANMEGHICHEAN (GenderDoc-M, Moldova), Philipp BRAUN (LSVD, Germany), Riccardo GOTTARDI (ArciGay, Italy), Miha LOBNIK (IGLYO, Slovenia), Nigel WARNER (Stonewall, United Kingdom).</p> <p>Since Miha LOBNIK withdrew his candidature and expressed his willingness to stand as reserve Board member, the Conference confirmed that Maxim ANMEGHICHEAN, Philipp BRAUN, Riccardo GOTTARDI, Nigel WARNER were elected to the Executive Board and that Miha LOBNIK was elected as reserve member.</p>
4. Confirmation of the 2 representatives of ILGA-Europe on the ILGA-World Board	Yves DE MATTEIS (360°, Switzerland) introduced himself. The Conference confirmed the election of Jackie LEWIS and Yves DE MATTEIS as, respectively, female and male representatives of ILGA-Europe on the Executive Board of ILGA.
5. Presentation of the reserve representatives on the ILGA Executive Board	Anette SJODIN (RSFL, Sweden) and Janfrans van der EERDEN (COC Nederland, Netherlands) introduced themselves. Since they were the only persons nominated, the Conference confirmed their election as reserve female and male representatives of ILGA-Europe on the ILGA Executive Board.

6. Announcement of the ILGA-Europe Conference 2004 in Budapest	Bence Solymar (Hatter) announced a quiz in connection with the holding of the ILGA-Europe Conference 2004 in Budapest.
7. Election of the host organisation for the ILGA-Europe Conference 2005	Robert Simon (David et Jonathan, France) presented the candidature of a collective of French NGOs, Association pour l'accueil de la conference de l'ILGA-Europe à Paris en 2005 (ILGA-Europe Paris 2005), to organise the ILGA-Europe Conference in 2005, and introduced the Board of the collective. The Conference confirmed the selection of Paris as the venue for its annual session in 2005.



4. Minutes of Plenary

THIRD PLENARY: The “Feed-Back” Plenary

Saturday 18th October 2003, 17:00 – 18:00

Chair	Robert Simon (David et Jonathan) and Bence Solymar (Hatter)
Minute Taker	Pierre Noel (Executive Board) and Birgit Hardt (ILGA-Europe)

1. Announcement of election results	<p>The results of the election for the female positions on the ILGA-Europe Executive Board were as follows (82 ballots were, all valid, were counted):</p> <ul style="list-style-type: none"> - Tiia Arnipuu (SETA): 76; - Jackie Lewis (UNISON): 69; - Deborah Lambillotte (Holebifederatie): 68; - Tatjana Greif (SKUC-LL): 58; - Vera Cimpeanu (ACCEPT): 46. <p>The four candidates with most votes were proclaimed elected, and Vera Cimpeanu elected as reserve member of the Board.</p>
2. Status of the proposals to the Conference	<p>The Chair explained the voting procedure for the next day. The proposals and amendments put to the Conference were summarised as follows:</p> <ol style="list-style-type: none"> a) election process. WS 13 had discussed the initial proposal of SETA as amended by the Executive Board and supported it with an additional amendment. b) gender identity and terminology. WS 13 had discussed the proposal with amendments aiming at clarifying the proposal. c) appointment of an auditor and budget for 2004. The workshop held during the open space had expressed no objection to the proposals put to the Conference by the Executive Board. d) work programme: in this context, the Conference had to consider a proposal from the Board, 3 amendments from COC and proposals from workshop 24. <p>Jackie Lewis introduced results of WS24 (see minutes of WS24).</p>
3. Any other resolution or action	<p>Various comments and statements were made by participants. It was suggested that ILGA-Europe pay attention to the issue of homophobia in lyrics. It was also said that the “feed-back” plenary was a welcome innovation in ILGA-Europe’s practice.</p> <p>It was suggested that the programme of the Conference could include more lesbian specific items.</p> <p>Comments were made in relation with voting procedures. In this regard, it was pointed out that if the proposals put to the Conference were to be adopted at the last plenary session, they would open the way to a discussion amongst the Executive Board and with the member organisations on constitutional matters like voting procedures and composition of the Board. It was suggested that a working group</p>

might be set up including non Board people to that effect.
A question was asked concerning the workload, responsibilities and role implied by being a Board member, which might be difficult to grasp for member organisations and hence an obstacle in candidatures to the Board.



4. Minutes of Plenary

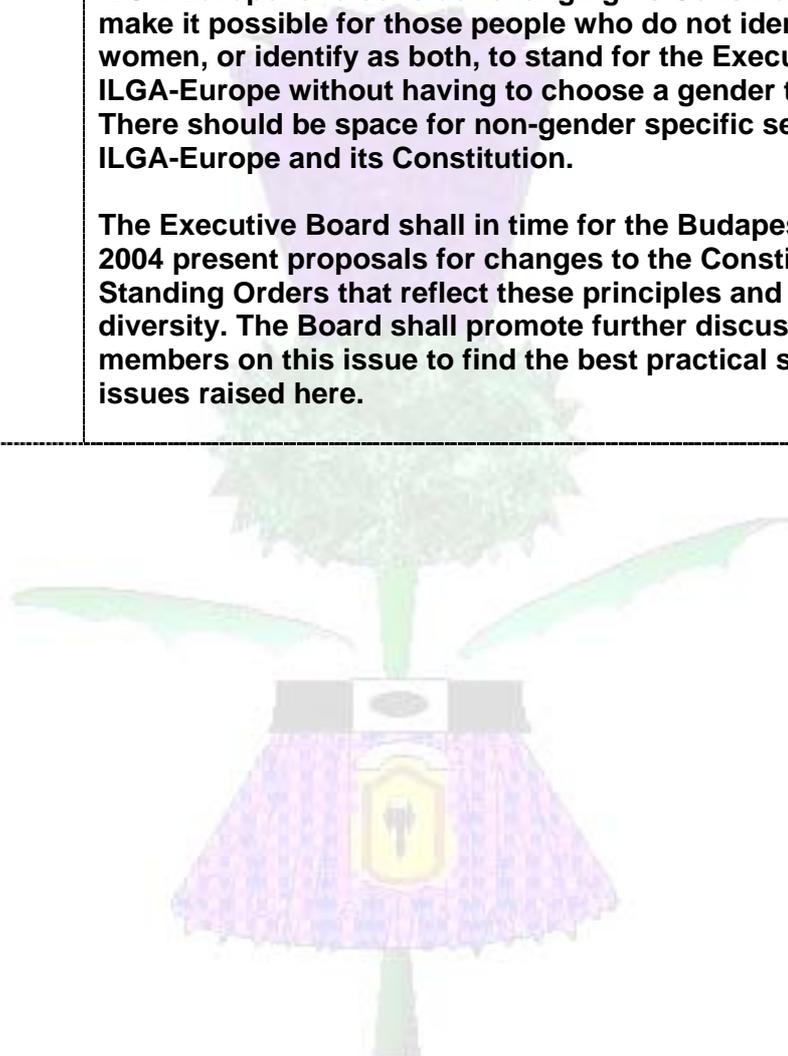
FINAL PLENARY

Sunday 19th October 2003, 10:00 – 13:00

Chair	Steffen Jensen (LBL) and Grada Schadee (AOB)
Minute Taker	Pierre Noel (Executive Board) and Birgit Hardt (ILGA-Europe)

<p>1. Explanations about procedures and voting</p>	<p>The Chair explained the voting procedure for the proposals and amendments to the proposals submitted to the Conference.</p> <p>The Conference considered recommendations not related to the proposals circulated before the Conference made by policy-making workshops. In this context, it considered and approved without a vote the recommendation made by workshop 2 on personal status issues, i.e.:</p> <p>It endorsed the recommendations contained in the ILGA-Europe policy paper “Families, Partners, Children and the European Union” (IE doc. # 1/2003).</p> <p>In the absence of an Action Workshop, the Plenary adopted the following resolution tabled by Griffith Williams and Peter Norman (CHE) and entrusted the Executive Board with following up the resolution:</p> <p>This Conference of the International Lesbian and Gay Association – European Region (meeting at Glasgow, 15-19 October 2003) strongly condemns the growing use of homophobic lyrics in popular music, and the apparent lack of legislation to combat it and especially the playing of such songs by the broadcast media. ILGA member organisations should pursue action in their home territory to outlaw such lyrics.</p>
<p>2. Financial proposals</p>	<p>The Conference approved the accounts for 2002, as circulated in the second mailing prior to the Conference.</p> <p>The Conference approved the re-appointment of Ms van Begin as the auditor of ILGA-Europe for 2003.</p> <p>The Conference approved the draft indicative budget for 2004, as circulated in the third mailing prior to the Conference.</p>
<p>3. Proposal on gender identity</p>	<p>The Conference considered the proposal on gender identity submitted to the Conference by the Holebifederatie and COC as well as the amendment to the proposal and the amendment to the amended proposal suggested by workshop 13 (on transgender issues). All were approved without a vote and the final decision by the Conference</p>

	<p>reads as follows:</p> <p>The Conference resolves that ILGA-Europe shall take a clear stand against all usage of the term “sexual identity”. ILGA-Europe shall campaign for the correct use of the term gender identity and the term sexual orientation; suggest that the term sexual identity is not used; and provide information and guidance to member organisations on correct translations to use on national level in support of these objectives.</p> <p>(For an explanation, see the minutes of WS13)</p>
<p>4. Proposal on election procedures</p>	<p>Tiia Aarnipuu presented the proposal from SETA aiming at allowing for non-gender specific positions on the Executive Board of ILGA-Europe; she specified that SETA did not intend to impose its model as a solution but rather hoped to open a debate and pave the way to a new formula.</p> <p>The Conference approved without a vote the proposal as amended first by the Executive Board and subsequently by workshop 13 (on transgender issues). The final decision by the Conference reads thus as follows:</p> <p>ILGA-Europe is to consider changing its Constitution in order to make it possible for those people who do not identify as men or women, or identify as both, to stand for the Executive Board of ILGA-Europe without having to choose a gender to represent. There should be space for non-gender specific self-perceptions in ILGA-Europe and its Constitution.</p> <p>The Executive Board shall in time for the Budapest Conference in 2004 present proposals for changes to the Constitution and Standing Orders that reflect these principles and other issues of diversity. The Board shall promote further discussion among members on this issue to find the best practical solution to the issues raised here.</p>



<p>5. Group discussions about the implementation of the decision on election procedures</p>	<p>The plenary split in four discussion groups for a brainstorming session on the issue.</p>
<p>6. Group reports</p>	<p>Four rapporteurs summarised what had been debated in their groups for the benefit of the other groups.</p> <p>The following ideas were expressed:</p> <ul style="list-style-type: none"> - there is a need for a discussion and an opportunity to have a debate on a whole number of aspects relating to elections to the Board, including the role of reserve place, the background and knowledge of issues required from Board members, etc. - there should be a consultation process with member organisation leading up to the next conference (the Board might invite contributions by a certain deadline, provide an opportunity for feed-back on initial proposals, etc.); - the process should include a number of questions like the kind of Board or structure that ILGA-Europe needs and, within that, how to make sure that organisations members feel represented; - the Board could be made bigger (up to 12 members), with a smaller group as management committee; - concern was expressed as to what involvement in Board means (workload, procedures, etc.); - Board members should be listed according to their particular interests, so that they could be approached accordingly by member organisations; - the issue of diversity is not necessarily linked to identities in Board. All Board members are responsible for the whole of ILGA-Europe; - totally free elections would be ideal but it is not realistic in the light of the gender issue structure; - amongst formulas debated, one would be to have half of the Board positions reserved for women and no men seats as such; - candidates to Board positions should be presented in writing prior to the election. They should state what they want to achieve, so that their competences can be assessed accordingly; - Board members should present a personal report on top of the collective Board report; - the Board should be constructed around competences; - it is not a good idea to expand the Board for the time being.
<p>7. ILGA-Europe Work programme</p>	<p>The Conference considered the recommendations from workshop 24 on ILGA-Europe Work Programme.</p> <p>The Conference approved without a vote the amendment to the Work Programme proposed by COC, as amended by the workshop. Consequently, a new item is to be added to the Work Programme, which reads as follows:</p> <p>9. Relations between ILGA and ILGA-Europe.</p> <p>9.1. ILGA-Europe will actively contribute to the development of ILGA as a worldwide LGBT organisation. ILGA-Europe will</p>

	<p>support the cooperation between the regions of ILGA, and share its knowledge and expertise with other regions of ILGA.</p> <p>9.2. The two regional representatives of ILGA-Europe on the ILGA World Executive Board will report annually to the ILGA-Europe conference about their activities and the outcome of their work.</p> <p>9.3. The ILGA-Europe board will actively seek opportunities to cooperate with ILGA on a world level, especially in the field of office accommodation and facilities.</p> <p>The Conference approved without a vote the recommendation to insert a new point reading as follows:</p> <p>1.2.3. Develop an Action programme in order to promote the recommendations presented in the ILGA-Europe policy paper “Families, partners, children and the European Union” (IE doc. # 1/2003), and create a working group on this subject.</p> <p>The Conference approved without a vote the insertion of a new point 8.1.4., which reads as follows:</p> <p>8.1.4. Promote the networking of member organisations and individual members in order to exchange information, further empowerment and develop instruments (training, education, etc.) in fields such as education, health, social work etc. with the aim to combat homo-, bi-, transphobia and complacency.</p> <p>The Conference approved without a vote the insertion of a new point 8.1.5., which reads as follows:</p> <p>8.1.5. The Board will make a proposal to next year conference in order to bring the language in the Constitution and the Standing Orders in accordance with the ILGA Constitution.</p> <p>The Conference approved without a vote the insertion of a new point 8.1.6., which reads as follows:</p> <p>8.1.6. The Board shall ensure that discrimination on ground of gender expression is addressed as well as gender identity. The Board will also address the need for this to be reflected in the language of ILGA-Europe documents including the proposed work programme for next year.</p> <p>The Conference approved the Work Programme for 2003-2005 as amended.</p>
<p>8. Quiz</p>	<p>Bence Solymar, of Hatter, host organisation for the ILGA-Europe Conference 2004, gave their prizes to the winners of the quiz.</p>
<p>9. Closing Ceremony</p>	<p>The Chair declared the proceedings of the Annual Conference closed. A closing ceremony followed, where all those who contributed to the success of the event were thanked.</p>

4. Minutes of Plenary

Awards Ceremony

CONFERENCE HONOURS CHRISTINE GOODWIN

The conference presented an award to Christine Goodwin, in recognition of her successful action against the UK government which culminated in a landmark ruling by the European Court of Human Rights on 11th July 2002. The decision in *Goodwin v UK Government* held that the government's failure to recognise gender re-assignment by altering the birth certificates of transsexual people or to allow them to marry in their new gender role was a breach of the European Convention on Human Rights.

The case considered three alleged breaches of Christine's human rights:

- the failure of the UK government to award a pension at the age of 60 to Christine Goodwin
- the refusal of the UK government to issue Christine Goodwin with a new NI number
- the refusal of the UK government to allow Christine Goodwin to marry a male partner

Without the support of any group or organisation, Christine pursued her case for 17 years. Her victory was the turning point in the UK governments fight to deny transgendered people their human rights. New laws are being drafted at the moment, and it is clear that Christine's victory, following earlier judgments against the UK government on transgender issues, was the "last straw". Christine was presented with a scroll of achievement and a bouquet of flowers, and conference gave her a standing ovation in recognition of her tenacity and determination to fight for her rights. Conference also recognised the valuable support given to Christine by her daughter, Chloe, who was also present for the ceremony.

There was also a ceremony to acknowledge the contribution of Kurt Krickler

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

Kurt has been a member of the board since its inception and, more remarkably, he never missed a board meeting – and unbroken run of 41 meetings (some of which last three days!). As co-chair Kurt has represented ILGA-Europe in meetings with ministers and commissioners, at high-level conferences, and in dozens of meetings with ILGA members around Europe.

Nico Beger - who had also decided to step down from the board at this conference – recited a poetic address to Kurt, and the conference applauded his remarkable contribution over the years. Kurt then became the first holder of a new post within ILGA-Europe, that of Honorary Vice President. We hope this will help to ensure that Kurt remains a valued and valuable member of our team of volunteers for many years to come.

5. Minutes of Workshop

No 1: Translating Government Policy into Effective anti-discrimination Work

Friday 16th October 2003, 15:00 – 16:30

Presenter	Ben Baks Angela Mason
Chair	Steffen Jensen
Minute Taker	Christian Attard (MGRM)

Minutes	<p>Ben Baks:</p> <p><u>Click here for PowerPoint Presentation: lgbt policy in Europe</u></p> <p><u>5 important cornerstones:</u></p> <ol style="list-style-type: none">1. Major Achievements in the Netherlands <p>High standard of legislation but also:</p> <ol style="list-style-type: none">1. A support structure2. Concentrated expertise3. Transparent Government policy4. Informal Networks5. Foreign policy6. Rehabilitation of gay and lesbian victims of World War II <ol style="list-style-type: none">2. Threats <ol style="list-style-type: none">1. Complacency2. One-size-fits-all solutions3. No Evidence4. Taboo5. Budget Constraints <ol style="list-style-type: none">3. Challenges <ol style="list-style-type: none">1. Multi-cultural Society2. Couples free to move and settle within the EU3. European Constitution4. Horizontal Approach5. EU Community Action Programme > 20066. Front Runners learn from runners-up7. Strategic Alliances <ol style="list-style-type: none">4. A 'lgbt' proof public domain
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1. Basic government funding
2. Anticipate demographic changes
3. Safety and social security inclusive
4. State and religion divided
5. Integrity and good governance

5. Effective NGO's

1. Active lobby to decision-makers
2. LGBT demands match public agenda
3. EU policy levers national policy
4. Use policy life cycle instrument
5. National advocate and local branches
6. International Networking

Conclusion: NGO's are needed!

Angela Mason:

Matching lgbt demands to public agenda - 2 examples:

1. Battle to allow gays and lesbians to serve in the military – going to Court and winning the battle there gave government cover since it was afraid to tackle it.
2. Civil partnership – allowing public debates which resulted in little opposition

Cross-Governmental work – this is very difficult, and that's why leadership is important.

Q&A:

Ailsa: Council is the main decision maker in the EU. However when we try to lobby them they tell us that since it's on the level of member states, they consult the national LGBT organisations. How do you feed in to this lobbying on a national level then in order to influence the Council?

Ben Baks: The Dutch government's position is that even though it pushes for qualified-majority voting in most areas, it would like to retain the veto in the area of equality. So even though progress with the present system remains slow, with the power of veto you avoid having to submit to measures which remove rights to lgbt individuals rather than give them.

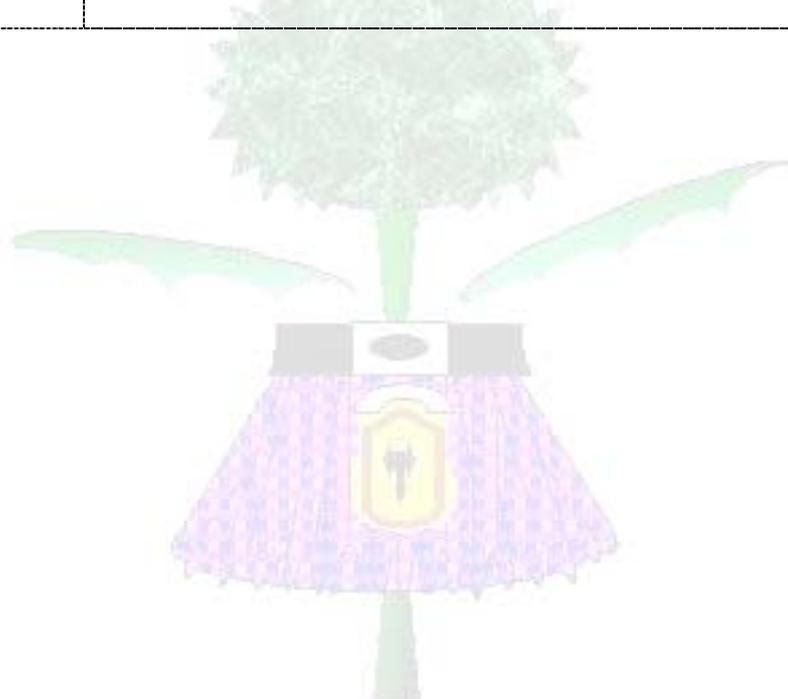
Q: Bosnia doesn't have a policy institute and there's pressure to address human rights. The problem is that legislation does not get implemented. Can you address cultural relativism?

Angela: Laws don't work if gay men and lesbians don't feel comfortable using them. Find ways how political leadership can be given – not necessarily politicians, e.g. artists and musicians. Also ensuring people are not isolated. Law is not enough but is a beginning.

Q: In the U.K. the cultural relativism problem exists as well. The taboo was mentioned – we lack credibility in lobbying. What's your advice

	<p>when the opposition has the resources to be louder than us?</p> <p>Ben Baks: try to match your demands with popular issues, e.g. social cohesion.</p>
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Key Recommendations	<ol style="list-style-type: none">1. Match lgbt demands to public agenda2. Example of section 28 repeal campaign in Scotland – despite the resources of those who opposed it, by networking with children’s charities the lgbt movement won. Homophobic violence increased after that though due to the increased profile.3. Governments set the agenda but implementation is done on a local level, so this is where local lgbt organisations can be very useful.4. Democracy also means that a government can change and what is achieved can very easily be undone. This is why we have to be vigilant.5. We need to look at the outside but in countries such as the U.K. you also need to consider the different situations domestically. E.g. the anti-discrimination legislation in Northern Ireland is the most advanced in the world. For more details contact James Knox, Coalition on Sexual Orientation, 2-6 Union Street, Belfast, N. Ireland, BT1 2JF www.coso.org.uk, admin@coso.org.uk, james@coso.org.uk6. Be careful with surveys: if percentages are lower than you expect, your enemies will use that against you and you will get a lesser budget. Base your arguments on our equal rights. On the other hand: data can be very useful, e.g. in health care.
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5. Minutes of Workshop

No 2: Personal Status Issues - Introduction & update to IE policy issues

Thursday 16th October 2003, 3pm

Presenter	Mark Bell - Leicester University
Chair	Jackie Lewis - ILGA Europe
Minute Taker	Winston Dorsett - NLGC Unison

Minutes	<p>Mark Bell introduced his research which looked at the role of European Union in relation to families.</p> <p><u>Click here for PowerPoint Presentation: Personal Status Issues</u></p> <p>Highlights from the report</p> <ul style="list-style-type: none">• The European Union did not have a role in relation to LGBT families.• The EU has expanded its role in relation to family law and cross boarder implications.• ILGA has been working and campaigning on immigration and free movement. Partnership rights has influenced this work.• The term personal status has been used to describe families, partners and children in relation to EU law.• The presentation identified the various partnership laws in various countries. <p>Questions and answer session</p> <p>Some of the question proposed after the discussion were. What is the history for countries who fought for legislation and what has been the outcome. There was also a question about what the difference was between partnership and cohabitation. Mark highlighted the different implication in legal status in various countries. In the Netherlands where one partner has legal status and the other partner wants to adopt. Changes in the free movement legislation would impact on adopted children. This would deter same sex couples who have adopted from moving.</p> <p>Hungary has a legal for gender reassignment and a second option of not accepting the biological implications behind gender reassignment. Malta is far away from recognising same sex marriages as they dont even have divorce. It was asked how do they begin to address and</p>
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introduce issues for LGBT families in their country. Delegate from Slovenia had been frustrated at implementing partnership laws. There was no political institution to support the issues, although private law firms were actively involved preparing the policy in Slovenia, which was an intrusive government intervention. Mark commented that laws in different countries have similarities but comparisons cannot not be made. Activist action can be taken up where people have real experiences. The historical information about where countries came to their current legal position can be obtained in the Domestic ILGA conference paper in Rotterdam. A book called legal representation of same sex couples by Robert Wintermood has useful historical information. In relation to how each country would approach personal status issues depends on the context, it may be impossible with some countries. Need to have a pragmatic approach. Stonewell did a survey about partnership rights and marriage, some countries dont want marriage as this effects inheritance, parents rights and tenancy rights and other issues. Find someone who is a family law expert. Transgender issues were raised where in many countries there is a requirement to live in the gender before reassignment is acknowledged, although there may not be any legal recognition.

Amendment to the work programme

An ammendment to the draft work programme was discussed in the meeting. The issues were discussed and the following recommedations were made ;

Recommendations:

1 Conference endorses the recommedation in the policy paper 'families, partners, children and the European Union.

2 Under European Union, point 1.2.3 add:

Action programme in favor of families partners and children

Develop an action programme in order to promote the recommendations presented in the policy paper 'Families, Partners, Children and the European Union' and create a working group on this topic.

5. Minutes of Workshop

No 3: Conclusions of Muslim LGBT Preseminar

Thursday, 16 th October 2003, 15.00-16.30 hours

Presenter	Tania Barkhuis (COC)
Chair	Nigel Warner (IE Board)
Minute Taker	Sheila Swatschek (IE Staff)

Minutes	<p>Three presentations at Preseminar</p> <ol style="list-style-type: none"> 1. Suhraiya Jivraj from the Safra Project (referring to report of Initial Findings) 2. Omar Nahas from the Yoesuf Foundation (referring to book on Islam and Homosexuality) 3. Sami Aldeeb from the Swiss Institute of Comparative Law (Lecture on licit and illicit sexuality in Islam) <p>What can IE do in terms of Muslim LGBT Capacity Building?</p> <ul style="list-style-type: none"> • Deal with Islamophobia within mainstream LGBT organisations • Support Muslim LGBT Capacity building <p>Questions:</p> <ul style="list-style-type: none"> • What to plan the following year? • How to make progress from last year? • Is meeting once a year enough? <p>Observations:</p> <ul style="list-style-type: none"> • Avoid generalising from small samples, there might be different necessities what should be done • Take in account of the complexities of different experiences • Identify the target audience <p>Which type of work</p> <ul style="list-style-type: none"> • Support social services • Research and information dissemination • Discussion on sexuality in Islam • Networking <p>Target groups</p> <ul style="list-style-type: none"> • Muslim LGBT organisations in European countries • Muslim LGBT organisations in Turkey, Lebanon, Egypt <p>Methods:</p> <ul style="list-style-type: none"> • Collect and disseminate information • List of Muslim organisations and initiatives • Facilitate funding <p>Results/Recommendations:</p> <ul style="list-style-type: none"> • LGBT project factory for Muslim organisations • Staff time for coordination of activities • Art.13, try to build up a transnational project for European Muslim LGBT organisations
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Deadline:

- 21/11/03 Council of Europe meeting, present a short list of Muslim LGBT publications (Ben Baks is willing to submit if IE collects the titles)
- 28/11/03 EU Commission proposal for a Art.13 Project

Discussion

Anisa: userled ownership is a conditio qua non for capacity building

Omar: money for research and a balanced dialogue between Muslim LGBT and mainstream LGBT organisations is important

Sami: Research and collection of information is important

LBL Denmark: importance to define target group

Kursad: Feminist issues are important to be addressed, there should be dialogue between IE and Muslim LGBT

Nigel: CB is at its start

Tania: Muslim LGBT organisations should trust their capacities as actors, shouldn't stay victims

Anisa: IE should concenstrate on fighting Islamophobia in mainstream LGBT organisations, be inclusive on basis of equality and partnership

Nico: transnational project organised by IE is outside of its ressources, but IE has staff time for Muslim CB

Tania: Respect, diversity, visibility and meeting are four requirements for a good dialogue between Muslim LGBT and other organisations

Anisa: those issues are not met so far

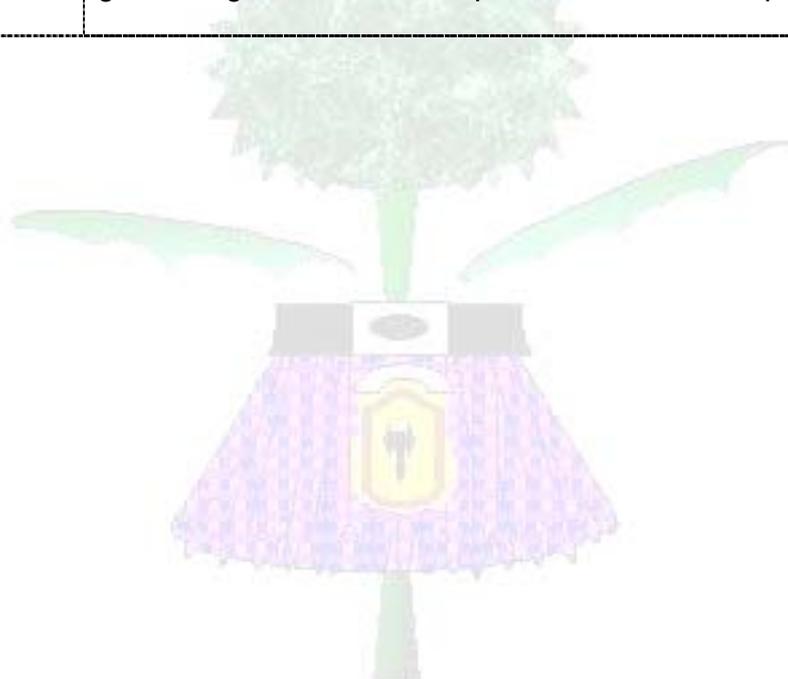
Peter Dankmeijer: target of such a network has to be defined. Keep it low key, story telling, using a webpage to exchange experience

Anisa: International network should focus on social services, to make them aware of Muslim LGBT issues and make changes in the day-to-day life

Nigel: IE does not have the ressources for a transnational project

IE has to evaluate its Muslim Capacity Building Project.

But IE could try to run the Muslim CB Project differently, if we manage to create a positive dialogue;IE is willing to make commitments. Possibly a Muslim LBT (women only) project could be a solution to give enough room for their special conditions of capacity building.



5. Minutes of Workshop

No 4: Disability and multiple discrimination in LGBT communities

Thursday 16th October 2003, 15:00 – 16:30

Presenter	Nora Bednarski, European Disability Forum Susan Douglas Scott, Phace
Chair	Yves de Matteis (360 degrés)
Minute Taker	Judith Mackinlay (Equality Network)

Minutes	<p>Nora described disability as socially constructed: an experience of social, environmental and cultural barriers. She went on to outline the complex experience of multiple discrimination. In both disabled and LGBT communities aspects of a person's identity are often invisible. LGBT communities need to be much more inclusive especially for those people just coming out. There is sometimes an unwillingness to address issues of sexuality, sexual orientation and gender identity within the disability community. Some possible strategies for progress are: Linking issues, lobbying with allies, positive action to reach diverse groups, awareness training and analysing our own activities in consultation with disability groups and people with disabilities.</p> <p><u>Click here for PowerPoint Presentation: disability and multiple discrimination (EDF)</u></p> <p>Susan illustrated how homophobia can affect our health and described additional barriers specific to LGBT people with disabilities and for LGBT young people with disabilities. She suggested some solutions : Make the language of sex and sexuality inclusive – always – not as an afterthought; give accurate and consistent information; develop communication and negotiation skills in both LGBT and disability groups; recognise that health is a holistic and lifelong project and the NONE OF US FIT NEATLY INTO ONE BOX.</p> <p><u>Click here for PowerPoint Presentation: disability and multiple discrimination (Phace)</u></p> <p>The Discussion</p> <ul style="list-style-type: none">- different experiences for lesbians and gay men with disabilities e.g. there may be more policing of gay sexuality by institutions/carers who have seen lesbian sexuality as a safe/soft option.- The gender balance within the workshop was noted – mainly women attended – Disability is seen as a women's issue and therefore low pay, priority, status often follow this...- Past experiences and attempts to work on LGBT and disability discrimination were remembered and discussed
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- Funding for inclusion may sometimes be hard to find?- falling between LGBT and disability funders.
- But attitudinal change doesn't always cost, inclusive ideas and structures can make a big difference.
- Human rights legislation could be the umbrella under which actions for change can be justified and insisted upon in all organisations
- There is always a need for individuals and organisations to champion rights, to take the knock back and to persist...

Though this was an unstarred workshop, participants would like to suggest:

- ILGA-E develop a policy on disability and inclusion.
- ILGA-E continue to work with disability organisations
- The organisers of the next conference arrange workshops on the themes of disability/sexuality/sexual health/reproductive rights
- ILGA-E consider further how it can ensure representation of diversity (including those with disability) on its board.

An e-group be established for communication between ILGA groups, and conference participants who wish to continue discussion and development of the themes raised in this workshop [Nora offered to set up the e-group you can join by emailing nora.bednarski@edf-feph.org] Susan also gave her email address susands@phacescotland.org



WS 4 Handout: Disability and multiple discrimination in LGBT communities

Susan Douglas-Scott (Chief Executive, PHACE Scotland)

This presentation will examine the complex life course issues that can arise for lesbian, gay, bisexual and transgender (LGBT) people when they also experience disability. I have researched and written 4 related pieces over the past year – a training pack on homophobia which includes aspects relating to multiple discrimination, a report on the links between homophobia and health, a chapter on sexual health issues for young people with learning difficulties and a resource pack for staff working with people with complex needs. I will share some of my findings from these projects in the presentation. As a disabled lesbian and working initially in disability services in the 1980's and subsequently in sexual health, I have been able to invest a great deal of my time to issues of equality and how these affect different groups of people. I believe that multiple discrimination is not easily defined and is certainly not cut and dried. For those of us in this "category" it can be meaningless jargon as it is not necessarily the main cause of concern for everyday life. Most people only know their life as it is for them, not how others politically define it. If we can move the focus to considering the barriers that prevent ordinary living, then change and progress is possible. If we stay in the entrenched position of difference that can never be addressed or changed because of how a person is – gay, disabled, woman and so on– then progress is less possible. I will explore this concept further during my presentation. In this session I use the following definitions of disability:

Disability: the socially created exclusion which prevents people with a wide range of intellectual, mental health, physical, psychological and sensory impairments from having full and equal citizenship.

Disabled person: the preferred term of the disability movement to describe and emphasise the oppression imposed by society on people who have impairments.

Impairment: intellectual, physical, psychological and sensory conditions, chronic and acute mental or physical health problems as measured against expected human functioning.

People with disabilities: this term really means people with impairments and focuses on them rather than on the prejudice experienced by disabled people.

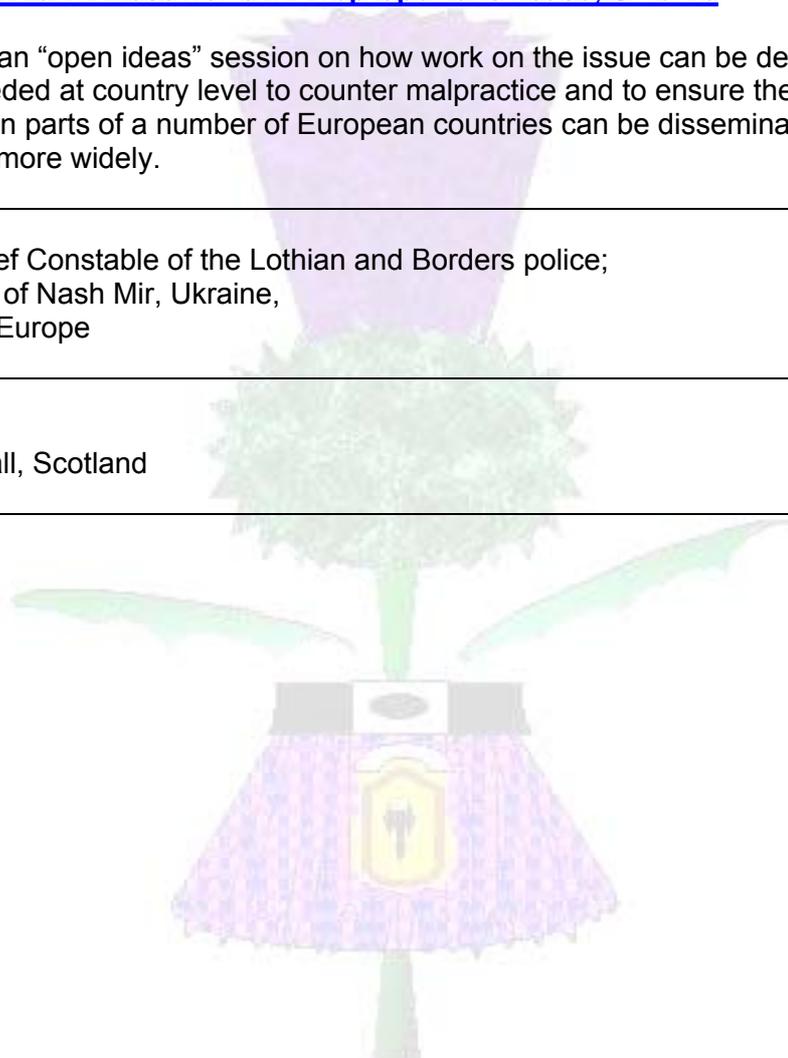
People with learning difficulties: this term came from within the disability movement as a term of self-empowerment and is now widely used. It includes a wide range of people who have intellectual impairments (such as Downs syndrome), who find it difficult but not impossible to learn, and who rely on families, carers and services to help them make sense of daily tasks and social situations and to maximise their independence.

These are only an example of how disability has been politicised as an equality issue since 1976 in the UK and I am sure this debate will continue to progress. However, within both the LGBT community and disability rights, little energy has been committed to inclusive debates and this needs to change. While a single focus on either homophobia or disablism can be understood in the face of extensive and tangible discrimination, in considering wider inclusion for everyone then we can truly move towards a more diverse society and be able to fight for civil and human rights together. I will argue that where one group is only interested in their own concerns then they are merely a reflection of the discriminatory main stream.

5. Minutes of Workshop

No. 5: No minutes available

Workshop no: 5	Friday 17 October 2003, 9.30-11.00
Workshop Title: <i>Policing and the LGBT community – European good and bad practice</i>	
Summary: The workshop will receive presentations from two countries: from Scotland we will hear of the progress which has been made in raising awareness of LGBT rights within the police force, and the way in which this has been done. <u>Click here for PowerPoint Presentation: The Scottish Police Service and LGBT Community</u> From Ukraine, we will hear of a recent case of intimidation of the LGBT community, and the actions, which were taken by the Ukrainian organisation Nash Mir and ILGA-Europe to respond to this. <u>Click here for PowerPoint Presentation: Dnepropetrovsk case, Ukraine</u> Finally, there will be an “open ideas” session on how work on the issue can be developed further: what actions are needed at country level to counter malpractice and to ensure the good practice which is developing in parts of a number of European countries can be disseminated both within those countries and more widely.	
Presenters: Paddy Tomkins, Chief Constable of the Lothian and Borders police; Andriy Maymulakhin of Nash Mir, Ukraine, Nigel Warner, ILGA-Europe	
Chair: Ali Jarvis of Stonewall, Scotland	



5. Minutes of Workshop

No 6: Convention/IGC a briefing on progress, and lobbying actions

Friday 17 October 2003, 9.30-11.00

Presenter	Nico Beger (executive board ILGA Europe)
Chair	Jacky Lewis (executive board ILGA Europe)
Minute Taker	Lucile Moquette (COC Netherlands)

Minutes	<p>Nico gives a brief review on the background of the Convention, on the Draft Constitutional Treaty and explains ILGA Europe's initial demands and if they have been met. See the photocopy of the powerpoint presentation to know more about it. Note that there is a typing error in the powerpoint document, where it is says that article 13 should be strengthened and that it has to be ensured that it applies to full scope of EU law. This is the case, so the cross is wrong and should have been a tick. (NOTE: this has been amended in the attached presentation!)</p> <p><u>Click here for PowerPoint Presentation: The Intergovernmental Conference</u></p> <p>Nico explains the issues for future lobbying. One of the core demands is the Qualified majority Voting procedure and the co-decision procedure for Anti-discrimination legislation. Another is the change of article 51 which gives churches dialogue separate from Civil Society (art.46). Some NGOs have informations about plans of the European Commission and the Vatican to create an in house consultation for pre-legislative input. The information about the campaign against art.51 can be obtained from Sheila at the IE office.</p>
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Key Recommendations	<ol style="list-style-type: none">1. Use the traditional lobby channels and dont get yourself in a yes or no about the Constitution. Try to initiate public hearings.2. If you want to lobby and get information, please contact IE (Sheila) or act4europe (e.g. toolkit). If you gain important information about the IGC, channel it back to IE (or act4europe), so other countries can benefit.3. Lobby for LGBT issue, but seek to get together with other NGOs to also lobby on the broader horizontal issue (e.g. not to loose the Charter of fundamental rights)
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5. Minutes of Workshop

No 7: EQUAL SEXUALITIES AT WORK

17th of October 2003, 09.30-11.00.

Presenter	Arthur Thiry, Anette Sjödin, Jukka Lehtonen, Kati Mustola and Arjos Vendrig
Chair	Riccardo Gottardi
Minute Taker	Krister Fahlstedt

Minutes	<p>Brief presentation given by 4 Equal-projects;</p> <ul style="list-style-type: none">• Enabling safety for LesBiGay teachers (NL)• Homosexuals and bisexuals in the care system (SW)• Normgiving Diversity (SW)• Sexual and gender minorities at work (FI) <p><u>Click here for PowerPoint Presentation: Equal Sexualities at Work</u></p> <p>Equal is a programme within the EU in order to fight exclusion – of <i>any</i> kind – at the labour market and in the workplace. A factor of success is that employers, trade unions and NGO:s are working together.</p> <p>Some common tasks for the projects:</p> <ul style="list-style-type: none">• Research• Awareness training/education• Piloting• Mainstreaming• Networking <p>Joint research and impact on European regulations are vital components in the transnational cooperation. The next round of Equal will be launched in spring 2004. One interesting question to raise is how to move on to make sexual orientation as a discrimination ground more visible there? Equal as a programme is a really great opportunity to bring ideas into realization. <i>Try to see the possibilities rather than the difficulties!</i></p>
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5. Minutes of Workshop

No 8: LGBT and Faith – Supporting people and strategies for challenge

Friday, 17th of October 2003, 9.30 – 11.00 hours,

Presenter	Sheila Swatschek (IE-Staff)
Chair	Tiia Aarnipuu (IE-Board)
Minute Taker	Jude Dunn (LGBT Centre for Health & Wellbeing)

Minutes	<p><u>Introduction of organisations present at the workshop:</u></p> <p>3 representatives from LGBT Centre for Health and Wellbeing, Scotland LGBT Youth Scotland Swiss Institute of Contemporary Religion and Law Swiss Trade Union Head of lesbian and gay Christian Union, National lesbian and Gay Association, Netherlands Social dialogue between homosexuality and Religion, Netherlands Netherlands International LGB group Malta Gay Rights Movement France Lesbian and Gay Christian Group UNISON , Scotland Lesbian and Gay Federation, Germany, Lesbian and Gay Federation, Cologne, Germany Serbian LGBT</p> <p><u>Presentation by Sheila:</u> <u>ILGA-Europe's work on LGBT and Faith</u></p> <ul style="list-style-type: none">• Lisbon conference: Muslim Capacity Building Project Raise awareness of Islamophobia within mainstream LGBT community and support Muslim LGBT organisations in capacity building project. Currently under revision: How to develop a project, that takes into consideration user-led ownership, the specific conditions of Muslim women and the realistic possibilities of ILGA-Europe's resources to carry out such a project effectively• Pro-choice meeting Coalition IPPF (International Planned Parenthood Federation), CFFC (Catholics for a free choice), EHF (European Humanist Federation), Die in Dignity, EWL (European Women's lobby) Work on the constitution and IGC: Withdrawal of art.51, fighting a privileged dialogue of the church and church organisations with the EU institution, there should be equality for all organisations within the civil society
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	<p>In the same loose network, the issue of family and religion was also discussed, with a specific reference to the recent Vatican's paper on same-sex couples</p> <p><u>Questions:</u></p> <ul style="list-style-type: none"> • How to belong to a certain religion and be LGBT? • The churches' role in politics and its relation with the state • How to lobby church and church institutions for LGBT issues? <p><u>Experience exchange:</u></p> <ul style="list-style-type: none"> • Diane Xuereb from Malta LGB(T) organisations (www.maltagayrights.com): they had tried to speak to clergy and this had been very difficult as politicians don't want to listen, church is very dominant. We talked about the fact that it is challenging to show pride in predominantly Catholic countries. We talked about the statements from the Christian Church about condemning the sin and not the sinner, about being homosexual and hearing that is fine as long as we don't practise. • Tania Barkhuis (COC): 2 year old project on religion and faith, called "dialogue", includes muslim, christian and jewish faith. Four principles are important: <ol style="list-style-type: none"> 1. Respect 2. Diversity 3. Visibility 4. Meetings • Tore Holle Follestad (Norway LGBT): important to know the churches arguments and to set up meetings with social service providers: salvation army for example. He suggested we had to learn to speak the language of religious groups and to claim your right to speak • A representative from Germany talked about the Christian Democrats relation with the church and their belief that you cannot challenge the hierarchy. • It was emphasised that LGBT clergy do exists everywhere: it is important to encourage them to be open • A French participant talked about a priest doing couple benediction and carried on even when asked not to.
<p>Key Recommendations How to lobby?</p>	<ul style="list-style-type: none"> • Quality management of social services: respect diversity and equality for all (health, care, school, education etc.) • Find a lgbt friendly person in the religious organisation • Network people, exchange ideas, the cultural difference may vary from country to country, from faith to faith, other criterias play a role: ethnic, social issues • Create meetings with the churches wherever possible • Knowledge about religion can help to find the right arguments in the dialogue with conservative members of religious institutions (learn to speak their language but be affirmative about your right to a diverse opinion)

<p>Key Decisions (if applicable)</p>	<ul style="list-style-type: none">• Make information available (via websites, compiled bibliography etc); build it up so that we don't have to keep on inventing the wheel. At present there is little information anywhere especially on the theme of sexuality and Islam.• Need to network to exchange experience between different countries• Long-term lobbying: work from inside, work with a gay rabbi, a gay immam (New York)• Short-term lobbying: dialogue using visibility, diversity, respect and meetings. Examples:<ol style="list-style-type: none">1. Dutch Muslim LGBT Photo action: showing Muslim LGBT couples, stirred major dialogue = example for visibility2. Dutch Rhamadan action: Muslim LGBT persons don't have a father that happily provides them with food for Rhamadan, so the city community is asked to provide some money of the Rhamadan festivities for LGBT persons <ul style="list-style-type: none">• Dialogue using visibility• Knowledge of religious arguments• Network and dialogue• Seek to work from the inside in the longrun (e.g. with gay rabbies or priests...)• Demand respect
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5. Minutes of Workshop

No 9: IMPLEMENTING THE FRAMEWORK DIRECTIVE: A PROGRESS REPORT

Friday 17 October 2003, 15h – 16h30

Presenter	Ailsa Spindler, Director Ilga Europe
Chair	Kurt Krickler, Board Member
Minute Taker	Rosa Santrich, EP Intergroup on LGBT Rights

Minutes	<p>This presentation was based in IE' understanding of the state of play of the implementation of the Framework Employment Directive in EU and Accession countries. The data presented are supposed to be very accurated, and the most updated information available, but there maybe some information missing (e.g. the latest developments in Malta).</p> <p>Ailsa Spindler explained that there are a number of bodies monitoring the progress, such as the European Group of Experts on sexual Orientation Discrimination, NGOs, suc as IE, ect, what makes the data collection even more difficult. She also mentioned that the latter group of experts won't make their results available until July 2004, what it is not of much use for the organisations working on the issue.</p> <p><u>Click here for PowerPoint Presentation: Implementing the EU Employment Directive</u></p> <p><u>The State of Implementation of the FD in EU Member States</u></p> <p>Austria: Legislation submmitted last september, there has been a wide consultation process with civil society. Austria's government has used gender legislation and they will probably not implement on time.</p> <p>Belgium: Adopeted it in december 2002 and much wider than race and FD, it has already come into force and is one of the best examples of implementation.</p> <p>Denmark; They already had legislation in place, they pretended to be very progressist in their views, but the Parliament didn't approve a proposal that tried to assure full implementation.</p> <p>Finland: Proposal wasn't well drafted, they are working on it now and promised to implement on time.</p> <p>France: Not full transposition (e.g. definiiton of direct/indirect discrimination), they plan to implement on time, but civil society</p>
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organisations complain on lack of transparency and information.

Germany: Unlikely to implement by December.

Greece: Not a single proposal, but assures it will comply. IE tried to discuss the issue with the Greek Presidency of the EU, but they rejected any dialogue.

Ireland: Consultation on 2002, but they already had good legislation in place, covering employment. It is one of the best examples.

Italy: Wrong transposition in all senses, the burden of proof is placed on workers and due to all "exceptions", workers are more likely to be discriminated.

Luxembourg: The representative from Luxembourg to IE's conference read out a letter from the Ministry promising that they will transpose.

The Netherlands: They are discussing an amendment to the Equal Treatment Act, they will transpose the race and employment directive. The disability ground was already done. In any case, the new conservative government in place, does not make the situation very promising.

Portugal: No specific references to discrimination on sexual orientation and many gaps.

Spain: No proposals at all

Sweden: Well under way.

UK: Regulations adopted. Governments final proposal raise concerns in the area of "religious exemptions". Situation in Northern Ireland is different.

Concerning the implementation of the directive in EU member States, the European Commission believes that they cannot name and shame member states until the deadline is not there, and even so, Member states in infringement afterwards, will not suffer any consequence in the short term. Until now, only France has notified transposition.

Ailsa proposed that people should take cases based on the Directive and challenge their governments on an individual basis, since the EU will take a long time to react.

CANDIDATE COUNTRIES

Bulgaria: Last september adopted a comprehensive discrimination Act, very well placed.

Cyprus: They promised first to do it before last spring, now it seems they have finally drafted something and hope to present it to the Parliament before the end of the year. They have no intention to

	<p>establish consultation procedures with NGOs.</p> <p>Czech Republic: They drafted something last Spring, but not clear when it will be submitted to the Parliament. As a matter of fact it is a god draft and therefore it may face lot of parliamentary resistance.</p> <p>Estonia: Submitted it to the Parliament in October 2002, but it was withdrawn because of the elections in 2003, they had to restart.</p> <p>Hungary: Draft bill in proces of being finalised, they want to transpose both directives, but it seems that the Employment Directive only covers workers from the administration and civil servants. They have also included gender identity.</p> <p>Latvia: The new Labour force is in force since 2002 and contains provisions for all art 13 grounds, except sexual orientation. In February this year, an inter-institutional group was set up to monitor the implementation on grounds of Sexual Orientation?.</p> <p>Lithuania: New Labour Code in January 2003 and criminal Code in May, both cover sexual orientation discrimination and they have extended the mandate of the Ombudsman.</p> <p>Malta; Las week the goverment finally outlaw discrimination on sexual orientation, although there is still a long way to go, problems with harasement and th burden of proof, etc.</p> <p>Poland: Have started having some progress, the Parliament is dealing with the labour code and it seems to be acceptable, although the grounds for discrimination are not enumerated. The two drafts will be voted in 2 weeks.</p> <p>Romania: Adopted law in January 2002, but it does not cover all requierements such as harasement, burden of proof.</p> <p>Slovakia: Draft is prepared.</p> <p>Slovenia: Ready since April 2002, but gaps.</p> <p>Turkey: Amendments in Labour Code from June 2003.</p>
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Key Recommendations	<ol style="list-style-type: none">1. All those present agreed that the perspectives are not optimistic. It seems that accession countries have done a better job than OLD EU Member States.2. As said before it will be quicker to take individual action than waiting until the commisison starts procedures against countries wich haven't complain3. In any case, when governments consult with civil society about how to draft, they should be advised to copy/paste the directive or follow the example of country such as Belgium. <p>The work programme Chapter 1 EU, 1.1 Employment, says that there should be work with other European level NGOs concerned with the implementation of Article 13 Directives to encourage cooperation and a common approach at national level. The Dutch representative proposed to do this in a structured way inside IE.</p>
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5. Minutes of Workshop

No 10: Health Issues for the LGBT Community

Friday 17th 15.00-16.30

Presenter	Alistair Pringle, Inclusion Project; Tamsin Rose, European Public Health Alliance; Tony Stevenson, LGBT Centre for Health and Well-Being, Edinburgh
Chair	Ali Jarvis
Minute Taker	Alistair Dinnie

Minutes	<p>1. Tamsin Rose, European Public Health Alliance introduces the potential of addressing public health issues at a European level.</p> <p><u>Click here for PowerPoint Presentation: Is the EU good for your health?</u></p> <p>2. Towards a Healthier LGBT Scotland</p> <p><u>Click here for PowerPoint Presentation: Towards a healthier LGBT Scotland</u></p> <p> "WS 10 handout.doc"</p> <p>Figure 1</p> <p>Contributions from the Floor:</p> <ul style="list-style-type: none">• Within a health context, health concerns for gay men tend to focus more towards HIV/AIDS. There are a couple of HIV/AIDS networks who are not at this workshop and their input would have been valuable.• Unfortunate that HIV/AIDS is not a stronger element of the ILGA agenda. Another speaker explained that ILGA has had discussions in the past with the Gay Aids Prevent (GAP) network and given thought to involvement in HIV/AIDS prevention work. Developments stalled however because ILGA members tend to be more policy/lobbying organisations than organisations working with a health focus.• The European Parliament Intergroup has shown an interest in LGBT health issues and has looked at evidence gathering across Europe. Responses to HIV/AIDS have shown some of the best
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practice in terms of working with gay men but this has not necessarily flowed through to the broader range of LGBT health issues. GAP is coming to the end of its funding and has spoken to EU officials about broadening its agenda beyond HIV/AIDS but the officials made it clear that they were only interested in funding work on communicable diseases.

- There are only 5 lines in the ILGA Europe report about HIV/AIDS work despite ILGA saying it wanted to work with GAP.
- Due in part to historical reasons, service responses in Edinburgh to HIV have been excellent therefore the new LGBT Centre for Health and Well-being has not had to prioritise HIV/AIDS work. Nonetheless, the centre has seen a number of HIV+ men come into the Project and it is trying to work with them to see themselves as members of a broader community and at the same time challenge the attitudes of the broader LGBT communities.
- One of the floor contributions challenged the use of the term 'early death' as used by Tamsin Rose in her presentation and also what was felt to be an unfair condemnation of European tobacco growers. (Within her presentation, she had quoted an example of funding that subsidises tobacco growth within the EU area. The quality of the tobacco produced is too low to be sold in Europe and so is exported to developing countries, where it harms the health of the citizens of these countries).
- Tamsin responded that 'early death' was a construction developed by the World Health Organisation to illustrate unrealised potential for a longer, healthy life. She also clarified that she was not condemning the tobacco growers themselves so much as the practice of providing subsidy which results in a product that causes harm in developing countries. She would much prefer that the farmers were subsidised to undertake another activity which was not harmful.
- There is a higher levels of eating disorder as well as drug use amongst LGBT people probably linked to how people feel and wider concepts of self worth and the policy/policy processes that influence and combat negative perceptions.
- There seems to be a general trend within LGBT health agencies to move from a narrow HIV/AIDS focus to a wider agenda but there seem to be significant differences between the capacities of northern and southern European organisations to respond to this trend.
- Important to respond to the need(s) of the communities served therefore undertake HIV work where important but look at broader policy work as well.
- Hope that GAP will get funding again for the next 3 – 4 years. If so, it would plan to network with East European countries. One of the most positive of recent projects was the exchange of good practice and materials – would hope to extend this eastwards.

- There have been a number of other initiatives including the Integration Project set up to promote exchanges on HIV issues with Eastern Europe.
- Workshop was rounded off with an endorsement of the principle of joining up and exchanging good practice. Evidence gathering is an important first step with training following close after that. Any developments however need realistic levels of funding. ILGA should take a more active role in developing this work and identifying potential funding for it.



5. Minutes of Workshop

No 11: Council of Europe – ILGA-Europe as an agent of Change

Friday, 17 October 2003, 15h00

Presenter	Nigel Warner (ILGA-Europe)
Chair	Maxim Anmeghichean (ILGA-Europe)
Minute Taker	Nora Bednarski (European Disability Forum)

Minutes	<p>This workshop explored the position taken on LGBT issues by key bodies/actors within the Council of Europe, a human rights based organisation much broader than the European Union which has 45 member countries and encompasses a population of 800 million. The content of the presentation was based on 2 documents prepared by Professor Rob Wintemute, which have been distributed to all. The presentation looked at:</p> <ul style="list-style-type: none"> • European Court of Human Rights (ECHR) (applies the European Convention of Human Rights) • Parliamentary Assembly of Council of Europe (PACE) (delegates are members from national parliaments) • Committee of Ministers • Commissioner for Human Rights <p>In addition to looking at significant decision, actions or recommendations of each of the above, the discussion considered ways in which ILGA-Europe can further use the Council of Europe to effect change in its members states.</p> <p><u>Highlights of the presentation:</u></p> <p>European Court of Human Rights The Court has ruled on sexual orientation discrimination:</p> <ul style="list-style-type: none"> • in favour of equal treatment under criminal law, against discrimination by public authorities in employment and services, • in recent <i>Karner</i> case: governments must grant same rights to same-sex cohabiting couples as they give different-sex cohabiting couples. <p>And the Court's judgments relating to gender identity include:</p> <ul style="list-style-type: none"> • legal recognition of gender re-assignment • recognition of right to marry a person whose sex is different to their re-assigned sex, • holding that costs of gender re-assignment surgery must be covered under public/private health insurance schemes. <p>There is no legal obligation for member states to follow the result of</p>
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cases against another state, but there is a strong moral obligation to do so.

Powerful general arguments from decisions of Court that can be taken away and used to lobby member states:

- **Age of consent:** Court has explicitly rejected the idea that young males can be “recruited” into homosexuality.
- **Karner case on rights for same-sex partners:** Court has rejected the argument that “discrimination necessary for the protection of the family in the traditional sense”.
- **Sexual orientation discrimination** is a serious as discrimination on the basis of religion, race or gender.

Parliamentary Assembly (PACE)

Overall there is great support at PACE and there is great scope for working with the Council to achieve recognition of LGBT rights. The Assembly has passed two resolutions which are relevant:

- 1474: situation of lesbians and gays in member states
- 1470: rights of lesbian and gay refugees and asylum

These are not legally binding but are powerful statements of European democratic opinion. The Parliamentary Assembly can be effective in putting informal pressure, for example:

- on individual national MPs (*discussed example: Moldovan MP engaged in hate speech who is member of PACE and European People’s Party / was told to refrain from making such statements pursuant to a media campaign in Netherlands and email and internal PACE campaign*); or
- on Parliaments intending to adopt legislation which is discriminatory (*discussed example: Russian attempt to recriminalise same-sex sex / chair of Russian delegation to PACE was summoned by President of PACE and told not to pursue such legislation*);
- on countries acceding to the CoE (*discussed example: Ukraine / monitoring progress of future members / Monitoring Committee visit every 6-9 months / recommended investigation of allegations of police harassment and to take disciplinary action as appropriate*).

Committee of Ministers

The Committee responded to PACE recommendations and has recognised that discrimination and violence on basis of sexual orientation still exist and are “regrettable” and further stated that cultural attitudes within a member state are not a valid reason for a government to remain passive, and underlined the need for measures such as awareness training within certain professions, the education system and sport. While the document is not legally binding there is a strong moral obligation to follow its recommendations.

There is no support on

- Adoption rights for same-sex couples
- Adoption rights of single lesbians and gays
- Second-parent adoption
- Discrimination between unmarried or registered same-sex partners
- Marriage (opposed by European People’s Party)

	<p style="text-align: center;">Commissioner for Human Rights</p> <p>The Commissioner has shown great support and will take up situations where there is evidence of wide discrimination (but cannot take up individual cases). Makes visits to member states and meets with NGOs / drafts reports. Effective in putting pressure on governments. Worthwhile contacting the Commissioner if you have well-documented cases.</p> <p style="text-align: center;">Protocol 12 to the Convention on Human Rights (2001)</p> <p>The Protocol has only been signed by 2 member states. It guarantees the rights to freedom from discrimination, and extends the right to freedom from discrimination contained in Article 14 of the Convention which applies only to the rights mentioned in Articles 1-13. It will take a lot of work to get the Protocol ratified and into force. ILGA-Europe should not campaign member states yet but wait for a joint-effort by human rights NGOs.</p> <p style="text-align: center;">Karner case on rights of same-sex partners</p> <p>The case, a tenancy succession rights case is the first victory for same-sex partners in international human rights law. The Court considered valuable an ILGA-Europe submission in the case, and held that same-sex cohabiting partners must be given the same rights as different-sex cohabiting partners (the rights accorded will of course vary from member state to member state depending on each national legal regime). This case might be applied in the future to other cases of exclusion from rights of married persons and ultimately to obtain rights to civil marriage.</p>
<p>Key Recommendations</p>	<p>Lobby the delegation which Chairs the Council of Europe's Committee of Ministers as it rotates from member state to member state (every 6 months), in order to influence the agenda and work programme of the Committee.</p>



WS 11 Handout: Council of Europe – ILGA as an agent of change

(Nigel Warner)

I Overview of the Council of Europe

The Council of Europe was founded in 1949, in the aftermath of the Second World War. Its main role is to strengthen democracy, human rights and the rule of law throughout its member states. Today it has 45 member states covering a population of over 800 million people, extending from Vladivostok to Lisbon, and from Istanbul to Helsinki.

Its most important instrument is the European Convention on Human Rights, to which all 45 member states subscribe. This establishes the basic fundamental human rights, which are applicable all across Europe. Individuals are allowed to bring cases against their government in respect of possible violations of the Convention.

Its main institutions are:

The Committee of Ministers, a decision-making body, which is made up of the ministers for foreign affairs of the 45 member states. Its Chair changes every six months according to the member countries' alphabetical order. The Ministers' Deputies meet at least once a month. They draw up the Council of Europe's activities programme and adopt its budget. They also decide what follow-up should be given to proposals of the Parliamentary Assembly and the specialist ministerial conferences that the Council of Europe regularly organises, and whether new rights should be added to the Convention by opening for signature by member states a Protocol to the Convention, such as Protocol No. 12 on non-discrimination

The Parliamentary Assembly, a deliberative body, is made up of 313 members (and the same number of substitutes) from the parliaments of the member states. Each delegation's composition reflects that of its parliament of origin.

The Parliamentary Assembly holds four weeklong plenary sessions a year. It debates a wide range of social issues and its recommendations to the Committee of Ministers have been at the root of many of the Council of Europe's achievements.

The Assembly plays a key role in the accession process for new members and in monitoring compliance with undertakings entered into. It also elects the judges of the European Court of Human Rights from lists of three nominees presented by each member state.

The European Court of Human Rights, which is made up of one judge from each of the 45 member states, hears cases brought by individuals alleging possible violations of the European Convention on Human Rights by their governments. Where the Court's final judgment finds that a particular government is in violation of the Convention, that government is obliged to take corrective action. The Committee of Ministers monitors that government's compliance with the Court's judgments. Failure to comply could lead to expulsion of that member state from the Council of Europe. Judgments of the Court in respect of one country often establish a general principle that applies to all member states. A judgment in respect of one country should therefore be acted on by other countries that are similarly in violation of the Convention. This avoids more cases being taken to the Court, thereby wasting the time and money of the Court and of individuals and NGOs.

Until 1998 cases under the European Convention were first reviewed by a separate body, the European Commission of Human Rights. In late 1998 the functions of the Commission were taken over by the Court, as part of a reorganisation, which established the Court on a permanent footing (it had previously only met from time to time).

The Office of Commissioner for Human Rights, which was established in 1999 as an independent institution within the Council of Europe. The Commissioner's activity focuses on three main areas. These are the promotion of the education in and awareness of human rights, the identification of shortcomings in the law and practice with regards to human rights and, lastly, the promotion of their effective respect and full enjoyment in all the member States of the Council of Europe.

II How to make use of the Council of Europe institutions

a. European Court of Human Rights

The European Convention on Human Rights has been of great significance in promoting lesbian, gay, bisexual and transgender rights over the last 20 or more years.

The main principles established in cases² taken under the Convention are as follows³:

- Article 8 (respect for private life) does not permit a total ban on all male-male or female-female sexual activity: *Jeffrey Dudgeon v. United Kingdom* (1981), *David Norris v. Ireland* (1988), *Alec Modinos v. Cyprus* (1993)
- Article 8 (respect for private life) and Article 12 (right to marry) guarantee the rights of transsexual men and women to have the legal sex on their birth certificates amended and to marry a person whose sex is different to their reassigned sex: *Ms. B. v. France* (1992), *Christine Goodwin v. United Kingdom*, *Ms. I. v. United Kingdom* (2002)
- Articles 8 and 14 (right to be free from discrimination) guarantee the right to equal treatment in the criminal law without discrimination based on sex or sexual orientation (and probably gender identity): *Euan Sutherland v. United Kingdom* (1997, European Commission of Human Rights report) (age of consent to sexual activity), *Mr. A.D.T. v. United Kingdom* (2000) (private group sexual activity), *L. and V. v. Austria*, *S.L. v. Austria* (2003) (age of consent to sexual activity)
- Articles 8 and 14 prohibit all discrimination by public authorities (including the armed forces) that is based on sex or sexual orientation (and probably gender identity), in such areas as employment and services, as well as decisions about custody of children of LGB (and probably T) individuals who are genetic parents: *Jeanette Smith & Graeme Grady v. United Kingdom* (1999), *Duncan Lustig-Prean & John Beckett v. United Kingdom* (1999), *João Mouta v. Portugal* (1999)
- Articles 8 and 14 require that whenever governments grant rights or benefits to different-sex cohabiting partners, they must grant the same rights or benefits to same-sex cohabiting partners: *Karner v. Austria* (2003) (succession rights for partners of deceased tenants)

These cases can be used in the following ways to work for LGBT rights:

- In Council of Europe member states where similar discriminatory provisions exist, they can be used to argue to the government for immediate repeal of these provisions. Failing that, a legal challenge using the same argumentation stands a high probability of succeeding. Obvious candidates for activism along these lines would be the countries which still have discriminatory age of consent provisions: Albania, Bulgaria, Greece, Portugal, Serbia, and the UK territories of the Channel Islands, Isle of Man and Gibraltar.
- They can be used in general arguments to stress the fundamental seriousness of sexual orientation and gender identity discrimination: thus, the Court has repeatedly put sexual orientation discrimination on the same level of seriousness as discrimination on the basis of religion, race and gender.

² The text of cases can be accessed at: <http://www.echr.coe.int/Hudoc.htm> (Title = name of individual bringing case)

³ The information which follows is an update of information presented by Prof. Robert Wintemute at ILGA-Europe's 2002 annual conference in Lisbon.

- The arguments used in specific instances can be quoted effectively in speeches and documentation: for example, in the age of consent cases the Court rejects the notion of young males being "recruited" into homosexuality; while in the tenancy succession rights case, the Court found that there was no justification for the argument that discrimination against same-sex partners was necessary "for protection of the family in the traditional sense".

Of course, it is also possible to initiate cases in areas not yet covered by the judgments of the Court. Examples would be adoption rights, and marriage. However, both the timing and quality of argument in such cases is extremely important. Cases brought too soon, or badly argued, can damage the progress of LGBT rights. Anyone thinking of taking a case in areas such as these should contact ILGA-Europe for advice, setting out clearly the details of the proposed case.

b. Parliamentary Assembly

Recommendations by the Assembly

In 2000 the Parliamentary Assembly passed two Recommendations on lesbian and gay rights:

- On the situation of lesbians and gays in Council of Europe member states (recommendation 1474 (2000))*⁴. This called for a whole series of measures by member state governments, including the introduction of anti-discrimination legislation, the repeal of discriminatory sexual offences and age of consent laws, equal treatment in employment, the introduction of registered partnership laws, and measures to combat homophobia in schools, the medical profession, the armed forces and the police
- On the 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))*⁵. This called on member states to recognise as refugees homosexuals persecuted on account of their sexual orientation, and to ensure that bi-national lesbian and gay couples are accorded the same residence rights as bi-national heterosexual couples.

These Recommendations are important statements of principle by the Assembly, and can be used effectively in speeches and reports arguing for an end to discrimination.

Monitoring of human rights violations by the Assembly

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 required to give binding undertakings that they will meet the standard within a short period following accession. Until they are considered to have met the standard, they are subject to review by the Parliamentary Assembly's Monitoring Committee. The following countries are still subject to monitoring: Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Georgia, Macedonia, Moldova, Serbia/Montenegro, Turkey, and Ukraine.

This monitoring process provides a powerful tool for challenging governments over particular human rights violations. Provided violations are properly documented, they can be brought to the attention of the Assembly's Rapporteurs for the country in question, and may then be the subject of recommendations in the next report to the Assembly. Any activist aware of serious human rights violations in one of these countries should contact ILGA-Europe for help.

⁴<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta00%2FEREC1470.htm>

⁵<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta00%2FEREC1470.htm>

c. The Committee of Ministers

The Committee of Ministers has made two statements which can be used to promote the lesbian, gay and bisexual rights:

i. Reply to the Parliamentary Assembly Recommendation *On the situation of lesbians and gays in Council of Europe member states (recommendation 1474 (2000))*⁶

The Committee of Ministers works by consensus. This means that its reply to the Assembly's Recommendation was not as forthright as we would have wished. Nonetheless, what it said is important because all the governments of the member states gave their support, and individual governments can therefore be asked to honour the commitments/principles they have supported. Key excerpts from the reply are as follows:

- "It [the Committee] agrees .. 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."
- "The case-law of the ECHR provides a strong general incitement to all member states to reform any discriminatory legislation or regulations"
- "Homosexuality can still give rise to powerful cultural reactions, but this is not a valid reason for governments or parliaments to remain passive. On the contrary, this fact only underlines the need to promote greater tolerance in matters of sexual orientation."
- "In this regard it [the Committee] underlines in particular the need, mentioned in sub-paragraph 11.*iii.e*, [of the Recommendation] for ... measures in the areas of education and professional training to combat homophobic attitudes in certain specific circles." [The Recommendation referred "in particular" to schools, the medical profession, the armed forces, the police, the judiciary and the bar... as well as in sport]

ii. Recommendation on the freedom of exercise of the profession of lawyer (Principle II.1) (Rec 2000 (21) (25.10.2001))⁷

"Legal education, entry into and continued exercise of the legal profession should not be denied in particular by reason of sex or sexual preference,"

d. The Commissioner for Human Rights

The Commissioner can help to promote LGBT rights in a number of ways, of which perhaps the most practical are as follows:

Country reports: the Commissioner prepares reports on the human rights situation in individual member states, a number appearing each year. Activists can submit evidence of discrimination for inclusion in the report for their country, thus putting pressure on their government.

Individual cases: the Commissioner may, if approached with good quality information about a particular case of discrimination, take up the case with the Ombudsman in the country in question.

⁶ <http://cm.coe.int/dec/2001/765/43.htm>

⁷ <http://cm.coe.int/ta/rec/2000/2000r21.htm>

WS 11 Handout: Council of Europe – ILGA as an agent of change: when does the European Convention on Human Rights provide protection against discrimination based on sexual orientation or gender identity?

Robert Wintemute (Professor of Human Rights Law, King's College, University of London)

I. Clear precedents of the European Court and Commission of Human Rights⁸ (issues other than partnership and parental rights)

A. CRIMINAL LAW

1. Total bans on same-sex sexual activity violate Article 8 (private life)

- *Dudgeon v. United Kingdom* (22 Oct. 1981) (Court judgment)
- *Norris v. Ireland* (26 Oct. 1988) (Court judgment)
- *Modinos v. Cyprus* (22 April 1993) (Court judgment)

2. Ages of consent to male-female, male-male and female-female sexual activity must be equal under articles 8 (private life) and 14 (non-discrimination)

- *Sutherland v. U.K.* (1 July 1997) (Commission report)
- *L. and V. v. Austria, S.L. v. Austria* (9 January 2003) (Court judgments)

3. Non-sado-masochistic group sexual activity in private cannot be prohibited under Article 8 (private life)

- *A.D.T. v. U.K.* (31 July 2000) (Court judgment) (non-sado-masochistic)
- *Laskey v. U.K.* (19 Feb. 1997) (Court judgment) (sado-masochistic can be prohibited)

4. Other discrimination against (private, non-commercial) same-sex sexual activity by the criminal law

- probably violates Article 8 (private life), on its own or with Article 14 (non-discrimination) (but see IV. below)

B. LEGAL RECOGNITION OF GENDER REASSIGNMENT

- *B. v. France* (25 March 1992) (Court judgment) (violation of Article 8, private life) (France required to change legal sex on birth certificate)
- *Christine Goodwin v. U.K., I. v. U.K.* (11 July 2002) (Court judgment) (violation of Article 8, private life; see II.A below for Article 12) (U.K. required to change legal sex on birth certificate)

C. INSURANCE COVERAGE FOR MEDICAL EXPENSES RELATED TO GENDER REASSIGNMENT

- *van Kück v. Germany* (12 June 2003) (Court judgment) (violation of Article 8, private life) (where insurance plan covers "medically necessary" treatment, gender reassignment must be included)

D. EMPLOYMENT

- *Smith & Grady v. U.K., Lustig-Prean & Beckett v. U.K.* (27 Sept. 1999, violation, 25 July 2000, compensation) (Court judgments) (violation of Article 8, private life) (dismissal from armed forces)

⁸ All judgments and admissibility decisions of the European Court of Human Rights are available at <http://www.echr.coe.int/hudoc.htm>, as are many reports and admissibility decisions of the former European Commission of Human Rights (which ceased to take new cases on 1 Nov. 1998). Type the applicant's name after "Title", or type in the application number, and tick "Reports" or "Admissibility decisions" at the top if you are looking for one of these rather than one of the Court's "Judgments" (it is safer to tick both English and French at the top; some documents are published only in one language).

E. OTHER DISCRIMINATION BY A PUBLIC AUTHORITY AGAINST LGBT INDIVIDUALS

- probably violates Article 8 (private life), on its own or with Article 14 (non-discrimination) (but see IV. below)

F. DISCRIMINATION BY PRIVATE PARTIES AGAINST LGBT INDIVIDUALS

- can argue that every member state has a positive obligation under Articles 8 (private life or family life) and 14 (non-discrimination) to pass legislation prohibiting sexual orientation discrimination in the private sector; argument accepted by the Supreme Court of Canada in *Vriend v. Alberta*, [1998] 1 Supreme Court Reports 493, <http://www.droit.umontreal.ca/doc/csc-scc/en/index.htm> (but see IV. below)

II. Clear precedents of the European Court and Commission of Human Rights (partnership and parental rights)

A. Right of transsexual persons to marry

- *Sheffield & Horsham v. UK* (30 July 1998) (Court judgment), para. 66 (no violation of Article 12, right to marry, by 18 votes to 2: "the right to marry guaranteed by Article 12 refers to the traditional marriage between persons of opposite biological sex")
- *Sheffield overruled by Christine Goodwin v. U.K., I. v. U.K.* (11 July 2002) (Court judgment) (violation of Article 12 by 17 votes to 0) (U.K. required to permit transsexual persons to marry a person of the sex opposite to their reassigned sex)

B. Rights of transsexual parents

- *X, Y & Z v. UK* (22 April 1997) (Court judgment), para. 52 ("Article 8 cannot ... be taken to imply an obligation for the respondent State formally to recognise as the father of a child a person who is not the biological father")
- for practical purposes, overruled in the U.K. by *Christine Goodwin* and *I.*, because recognition of transsexual men as legal fathers, where their non-transsexual female partners have undergone donor insemination, will follow from recognition of transsexual men as legal men

C. Discrimination against unmarried same-sex partners (compared with unmarried different-sex partners)

- *Karner v. Austria* (24 July 2003) (Court judgment) (violation of Article 8, respect for home, together with Article 14) (only unmarried different-sex and not same-sex partners could succeed to a tenancy after the death of the official tenant)
- *Karner* clearly overrules the following six admissibility decisions of the former European Commission of Human Rights (on which the European Court of Justice relied in *Grant v. South-West Trains*, Case C-249/96, [1998] E.C.R. I-621):

X & Y v. UK (No. 9369/81) (3 May 1983), 32 Decisions and Reports (D.R.) 220, 5 European Human Rights Reports (E.H.R.R.) 601 (immigration claim by same-sex partner)

W.J. & D.P. v. UK (No. 12513/86) (11 Sept. 1986) (immigration)

C. & L.M. v. UK (No. 14753/89) (9 Oct. 1989) (immigration)

B. v. UK (No. 16106/90) (10 Feb. 1990) (immigration)

S. v. UK (No. 11716/85) (14 May 1986) (same issue as *Karner*)

Röösli v. Germany (No. 28318/95) (15 May 1996) (same issue as *Karner*)

D. Custody claims by LGB (and probably T) genetic parents

- *Salgueiro da Silva Mouta v. Portugal* (21 Dec. 1999) (Court judgment) (violation of Articles 8, family life, with Article 14) (sexual orientation, and probably gender identity, cannot be cited as a negative

factor in deciding which parent should have custody of a child after a different-sex marriage ends in divorce)

III. Areas where there are NOT YET any positive judgments or decisions of the European Court and Commission of Human Rights

A. Discrimination against unmarried same-sex partners compared with married different-sex partners (issues other than adoption)

- the Court and Commission have not been sympathetic to claims by unmarried different-sex partners who chose not to marry:

Shackell v. U.K. (Application No. 45851/99) (27 April 2000) (Court admissibility decision – inadmissible)

Saucedo Gómez v. Spain (No. 37784/97) (26 Jan. 1999) (Court admissibility decision – inadmissible)

Quintana Zapata v. Spain (No. 34615/97) (4 March 1998) (Commission admissibility decision – inadmissible)

- however, same-sex partners do not have this choice in most countries; a pending case makes the argument that they should be exempted from having to marry to qualify for a particular right or benefit:

M.W. v. U.K. (No. 11313/02) (not yet declared admissible or inadmissible by the Court) (denial to same-sex partner of bereavement benefits provided only to legal spouse of deceased).

B. Discrimination between registered same-sex partners and married different-sex partners (issues other than adoption)

- no Court decisions yet; but see *Joined Cases C-122/99 P, C-125/99 P, D. & Sweden v. Council* (31 May 2001) (European Court of Justice) (Swedish registered partnership did not have to be treated as equivalent to a marriage for the purpose of an employment benefit)

C. Discrimination between married same-sex partners and married different-sex partners (issues other than adoption)

- no Court decisions yet, but principle of *Karner* should apply, where a member state has voluntarily decided to open up marriage to same-sex partners?

D. Denial of access to civil marriage to same-sex partners

- no Court decisions yet, but language in *Christine Goodwin* and *I.* (see II.A. above) suggests that the Court could eventually change its interpretation of Article 12 and find that it guarantees access to marriage regardless of the sexes of the partners

E. Adoption by LGBT individuals

- *Fretté v. France* (26 Feb. 2002) (Court judgment) (no violation of Article 8, private or family life, together with Article 14, by 4 votes to 3: 1 vote that Article 14 applies and that the difference in treatment is justifiable, 3 votes that Article 14 does not apply for technical reasons, 3 votes that Article 14 does apply, that the difference in treatment is not justifiable, and that the Convention was violated) (blanket exclusion of openly LGB individuals from the possibility of adopting a child as an individual)

F. Adoption by same-sex partners of each other's genetic children (second-parent adoption) or joint parental authority or custody where one partner is genetic parent

- the principle of *Karner* might apply if unmarried different-sex partners already enjoy this right (as in Spain)

- if so, this would overrule *Kerkhoven v. Netherlands* (No. 15666/89) (19 May 1992) (Commission admissibility decision - inadmissible) (parental authority for lesbian mother's female partner over their child by donor insemination where unmarried male partner would have qualified in the same situation)
- if not, depends on III.A

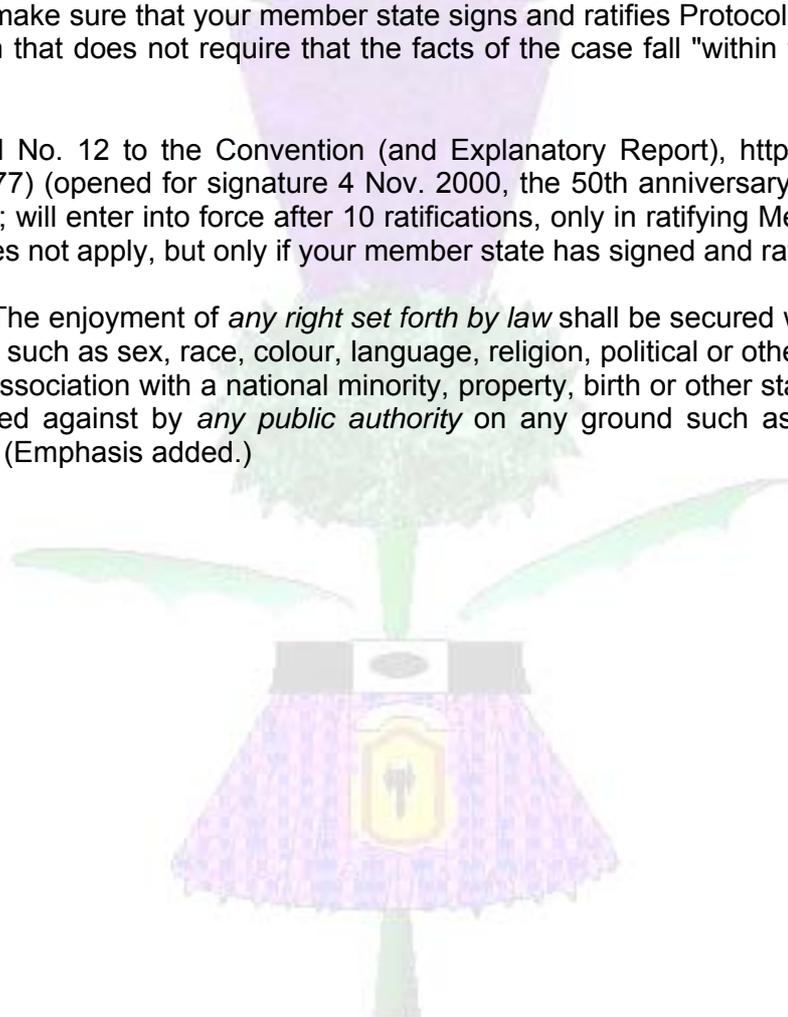
G. Joint adoption by same-sex partners of an unrelated child

- the principle of *Karner* might apply if unmarried different-sex couples already enjoy this right (as in Spain)
- if not, depends on III.A

IV. Cases that might fall outside the Convention (where Protocol No. 12 is needed)

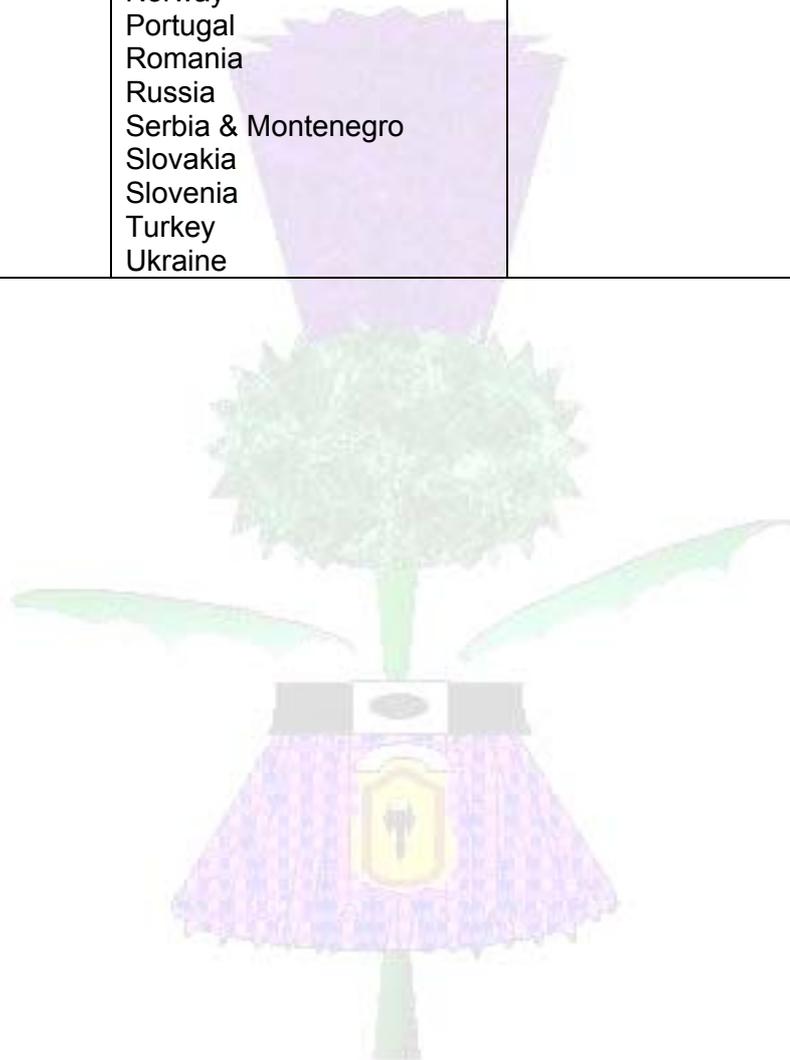
- if the facts of the case do not fall "within the ambit" of another Convention right, Article 14 cannot be invoked
- I would argue that "private life" in Article 8 is affected in every case of sexual orientation or gender identity discrimination, and that Article 14 can always be invoked, but the Court has not yet clearly accepted this argument
- there could be some cases where the Court will hold that Article 14 does not apply and that Protocol No. 12 is needed
- *F. v. Switzerland* (No. 11680/85) (10 March 1988) (Commission admissibility decision – inadmissible) (ban on same-sex but not different-sex prostitution could not be challenged under Article 14 because prostitution does not fall within "private life" in Article 8)
- *Fretté v. France* (see III.E above) - 3 of 7 judges thought that Article 14 did not apply
- this is a reason to make sure that your member state signs and ratifies Protocol No. 12 (general right to non-discrimination that does not require that the facts of the case fall "within the ambit" of another Convention right)
- (Optional) Protocol No. 12 to the Convention (and Explanatory Report), <http://conventions.coe.int> (Search, ETS No. 177) (opened for signature 4 Nov. 2000, the 50th anniversary of the signing of the Convention in Rome; will enter into force after 10 ratifications, only in ratifying Member States; can be used if Article 14 does not apply, but only if your member state has signed and ratified)

"Article 1: (1) The enjoyment of *any right set forth by law* shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. (2) No one shall be discriminated against by *any public authority* on any ground such as those mentioned in paragraph 1." (Emphasis added.)



**European Convention on Human Rights, Protocol No. 12,
Signatures and Ratifications as of 10 October 2003**

Ratified (5 Member States)	Signed (27 Member States)	No Action (13 Member States)
Bosnia & Herzegovina Croatia Cyprus Georgia San Marino	Albania Austria Belgium Czech Republic Estonia Finland Germany Greece Hungary Iceland Ireland Italy Latvia Liechtenstein Luxembourg Macedonia (FYR) Moldova Netherlands Norway Portugal Romania Russia Serbia & Montenegro Slovakia Slovenia Turkey Ukraine	Andorra Armenia Azerbaijan Bulgaria Denmark France Lithuania Malta Poland Spain Sweden Switzerland United Kingdom



V. Texts of the Parliamentary Assembly of the Council of Europe (PACE) and the Committee of Ministers (CM) to cite in all cases

- PACE, Opinion No. 216 (2000), <http://stars.coe.fr/ta/ta00/eopi216.htm> (26 Jan. 2000) (“the ground ‘sexual orientation’ should be added”), based on the Report of the Committee on Legal Affairs and Human Rights, Document 8614, <http://stars.coe.fr/doc/doc00/edoc8614.htm> (14 Jan. 2000)
- PACE, Recommendation 1470 (2000) on the “Situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe”, <http://stars.coe.fr/ta/ta00/erec1470.htm> (30 June 2000)
- PACE, Recommendation 1474 (2000) on the “Situation of lesbians and gays in Council of Europe member states”, <http://stars.coe.fr/ta/ta00/erec1474.htm> (26 Sept. 2000)
- CM, Reply to PACE Recommendation 1474 (Decision, Item 4.3, 765th meeting, 19 Sept. 2001, <http://cm.coe.int/dec/2001/765/43.htm>)

VI. How to bring a new case?

A. Assess the strength of the case on the facts and the law.

- the facts should be sympathetic, suggesting a clear injustice against an innocent individual who has done no harm to others
- the applicant must be committed to see the case through to the end in Strasbourg; because of the time necessary to exhaust domestic remedies, and the Court’s large and growing backlog of cases, this could take as long as 10 years!
- ILGA-Europe’s advice should be sought regarding the strength of the case; a “test case” could set a good or bad precedent for 45 Council of Europe member states; as a non-governmental organisation with expertise on sexual orientation discrimination, ILGA-Europe might be able to ask the Court for permission to submit written comments on the legal issue in the case (this is a “third-party intervention” under Article 36 of the Convention and Rule 61 of the Rules of Court)

B. Make sure that the applicant is represented by a lawyer.

- an applicant who represents her or himself could set a bad precedent; it’s like trying to perform surgery on yourself!

C. Make sure that the applicant exhausts domestic remedies, i.e., all remedies under your national constitution or legislation (Article 35(1) of the Convention).

D. The applicant's lawyer must send a letter to the Court within six months of the final domestic decision (Article 35(1) of the Convention).

- follow the Court’s instructions at <http://www.echr.coe.int/eng/general.htm> (“Information for persons wishing to apply ...”)
- see the Rules of Court at <http://www.echr.coe.int> (“Basic Texts”) for additional details on procedures before the Court

VII. Further reading

Robert Wintemute, *Sexual Orientation and Human Rights: The United States Constitution, the European Convention, and the Canadian Charter* (Oxford University Press, 1995, hardback edition, 1997, paperback edition)

Robert Wintemute, "Strasbourg to the Rescue? Same-Sex Partners and Parents Under the European Convention" in Robert Wintemute and Mads Andenæs (editors), *Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law* (Oxford, Hart Publishing, <http://www.hartpub.co.uk>, 2001)

VIII. The Significance of Karner v. Austria

SAME-SEX PARTNERS' FIRST VICTORY IN INTERNATIONAL HUMAN RIGHTS LAW

On 24 July 2003, in *Karner v. Austria* (<http://www.echr.coe.int/hudoc.htm>, Title = Karner), the European Court of Human Rights found (effectively by 7 votes to 0 on the merits) sexual orientation discrimination violating Article 14 (non-discrimination) together with Article 8 (respect for home) of the European Convention on Human Rights, where a same-sex partner was denied a right extended to an unmarried different-sex partner. The facts were essentially the same as in *Braschi v. Stahl Associates*, 543 N.E.2d 49 (New York Court of Appeals 1989) (landlord seeks to evict surviving same-sex partner after death of official tenant of apartment). However, Siegmund Karner's landlord succeeded in evicting him, because (unlike in *Braschi*) the Austrian rent-control legislation had no residual, undefined category of "family member", and because the Austrian Supreme Court held that (in 1974) the Austrian Parliament had intended the legislation's sex-neutral category of "life companion" ("a person who has lived in the [apartment] with the former tenant until the latter's death for at least three years, sharing a household on an economic footing like that of a marriage") to protect only an unmarried different-sex partner.

To my knowledge (I submitted written comments on behalf of ILGA-Europe, Liberty and Stonewall), *Karner* represents the first victory under an international human rights treaty by factually and legally same-sex partners (vs. partners who are factually different-sex but legally same-sex because one partner is transsexual). The Court began by considering whether the application should be struck out of its list of cases, because Siegmund Karner had died in 2000, leaving no heirs who wished to pursue his application. The Court concluded that: "the subject matter of the present application – the difference in treatment of homosexuals as regards succession to tenancies under Austrian law – involves an important question of general interest not only for Austria but also for other Member States of the Convention. In this respect the Court refers to the submissions made by ILGA-Europe, Liberty and Stonewall, whose intervention in the proceedings as third parties was authorised as it highlights the general importance of the issue. ... In these particular circumstances, the Court finds that respect for human rights as defined in the Convention ... requires a continuation of the examination of the case ..." The ad hoc Austrian judge disagreed, making the vote for finding a violation of the Convention technically 6 to 1, but he would have joined the majority (consisting of judges from Bulgaria, Croatia, Denmark, Greece, Italy and Malta) if Mr. Karner had been alive.

Turning to Article 14, which does not prohibit discrimination generally but only in the enjoyment of other Convention rights, the Court had to determine whether one of Mr. Karner's other Convention rights was sufficiently affected. "The Court does not find it necessary to determine the [Article 8] notions of 'private life' [which has been held to include sexual orientation] or 'family life' [which has so far been held to cover unmarried different-sex but not yet same-sex partners] because, in any event, the applicant's complaint relates to the manner in which the alleged difference in treatment adversely affects the enjoyment of his right to respect for his home guaranteed under Article 8 The applicant had been living in the [apartment] that had been let to Mr W. and if it had not been for his sex, or rather, sexual orientation, he could have been accepted as a life companion entitled to succeed to the lease, pursuant to Section 14 of the Rent Act." The Court thus found it unnecessary to overrule the former European Commission of Human Rights' case law interpreting "family life" as excluding same-sex partners, but could easily do so in a future case, in view of the outcome in *Karner*. It is common for courts to decide as little as possible and to leave some issues for a future case. As long as Article 14 applies, it does not matter what route the Court takes. A declaration that same-sex partners enjoy "family life" would have had symbolic and political significance, but would have made no legal difference in the case.

Given that Article 14 applied, the Court then had to decide whether the difference in treatment could be justified: "a difference in treatment is discriminatory if it has no objective and reasonable justification, that is, if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised ... Furthermore, very weighty reasons have to be put forward before the Court could regard a difference in treatment based exclusively on the ground of sex as compatible with the Convention ... Just like differences based on sex, differences based on sexual orientation require particularly serious reasons by way of justification ..." The Court had earlier noted the arguments of ILGA-Europe, Liberty and Stonewall that "a strong justification was required when the ground for a distinction was sex or sexual orientation" and that "a growing number of national courts in European and other democratic societies require equal treatment of unmarried different-sex partners and unmarried same-sex partners, and that that view is supported by recommendations and legislation of European institutions [including] ... the Parliamentary Assembly of the Council of Europe ... the European Parliament ... and the Council of the European Union ..."

The Austrian Government argued that the restrictive interpretation of the Rent Act pursued the legitimate aim of "protection of the traditional family unit. The Court can accept that protection of the family in the traditional sense is, in principle, a weighty and legitimate reason which might justify a difference in treatment ... [However,] [t]he aim of protecting the family in the traditional sense is rather abstract and a broad variety of concrete measures may be used to implement it. In cases in which the margin of appreciation [or discretion] afforded to member States is narrow, as [is] the position where there is a difference in treatment based on sex or sexual orientation, the principle of proportionality does not merely require that the measure chosen is in principle suited for realising the aim sought. It must also be shown that it was necessary to exclude persons living in a homosexual relationship from the scope of application of Section 14 of the Rent Act in order to achieve that aim. The Court cannot see that the Government has advanced any arguments that would allow of such a conclusion. Accordingly, the Court finds that the Government have not offered convincing and weighty reasons justifying the narrow interpretation of Section 14(3) of the Rent Act that prevented a surviving partner of a couple of the same sex from relying on that provision. Thus, there has been a violation of Article 14 of the Convention, taken together with Article 8."

Karner establishes a general principle that all governments in the 45 member states of the Council of Europe that decide voluntarily to extend a right or duty of married different-sex partners to unmarried (and unregistered) different-sex partners must, absent a strong justification, treat unmarried (and unregistered) same-sex partners in the same way. The most striking feature of the Court's reasoning (which overruled the former European Commission of Human Rights' negative decisions on the justification issue from 1983 to 1996) is its rejection of the argument that it is necessary to exclude same-sex partners from specific rights and duties of unmarried different-sex partners to protect "the family in the traditional sense". This reasoning, which could also apply to exclusion from specific rights and duties of married different-sex partners, and ultimately to access to civil marriage, can be cited in future cases under the Convention and in other litigation by same-sex partners around the world.

It is now up to ILGA-Europe member organisations to ensure that the principle of *Karner* is respected and that all distinctions in national legislation or case law between unmarried different-sex partners and unmarried same-sex partners are removed. *Karner* can be cited to national governments, legislatures and courts. They should comply with *Karner* as soon as possible to avoid wasting the time of the European Court of Human Rights, which should not have to hear further cases on this issue.

5. Minutes of Workshop

No 12: Capacity building: how to incorporate trans issues into your organisation's work

Friday 17th 15.00-16.30

Presenter	Nico Beger, Armand Hotimsky, Lucille Moquette , Deborah Lambillotte
Chair	Deborah Lambillotte (Belgium)
Minute Taker	Iain Gill (ILGA-Europe)

Minutes	<p>Presenter welcomes the group and begins introduction into capacity building, transition of trans issues into LGBT organisation. Immediate importance focuses on the vital necessity of recognising and being pro-active in dealing with trans issues and not just paying specific "Lip Service" adding letters to a title.</p> <p>Four people sitting at the top table, . Nico Beger, Deborah Lambillotte; Lucille Moquette and Armand Hotimsky.</p> <p>Deborah puts to the workshop questions concerning their own particular organisations and what they have and wish to do actively for the T community. The programme is opened to the floor. There commences a wide range of explanations, intensions and problems discussed throughout many different national and local organisations.</p> <p>The Finnish situation is very much centred around the lack of knowledge of trans people in working life and highlights that although intensions are good, the marriage of LGB and T together does not always work. For Malta there was again lack of information and experience but the drive to learn was much at the fore. Scottish delegates spoke of programmes and projects such as "Beyond Barriers and the LGBT Health Inclusion project" The general feel was that a lot has been done in Scotland but it had yet to filter up to a sufficient level to date. The German delegate spoke of how there was a high response from the T community for a lot of their work in the LGBT centre for health and well-being. However the London based Muslim LGBT delegates spoke of how there was no substantial trans involvement in the shape of either the movement or volunteers but there was in their stake holders. They recognised the lack of information on T issues and hope to gain sufficient experience on locating strategies in dealing with issues concerning gender and sexuality.</p> <p>The Croatian delegate raised an interesting and very much relevant point of transphobia within the LGB community. Other speakers raised points of the need and value of helplines specifically for T peoples, to</p>
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lobby for new family laws which are inclusive of trans families. There was then a brief discussion on the difficulties facing T movements in getting adequate or really any funding whatsoever. The Turkish delegate highlighted a particular situation relevant to Turkish T people in the form of sex work. Trans sex workers make up a big percentage of public sex industry. The climate of hostility has increased upon T people notably in the media shifting from a previous patronising pitiful outlook to a more intent and hateful present day agenda. The lack of protection for T people was then raised in both a legal and physical prospective. Finally the UNISON North West delegate spoke of his complete and utter lack of knowledge on the issues and that he was present to learn more.

Nico reflected on what had been discussed covering almost all the main areas that face the T community within wider society in lgb communities. Deborah gives a brief introduction in the relation of Gender Identity and Sexual Orientation and the problems that LGB organisations have with T community. Members of the floor questioned some statistics which were offered from the panel.

45% of all Male to Female people post surgery have lesbian relationships

35 % of Female to Male people who are post surgery have gay relations.

These statistics were published in the American Journal "Tapestry" Workshop was satisfied with that explanation.

Deborah then briefly explained 3 different levels to T issues. Firstly learning about Transgendered issues, assistance, help and then promoting existing services to be welcoming to T people. Nico, in order to highlight the main issues list all the most prominent issues on the Workshop flipchart, they are as follows:

Law	
Age	
AIDS	
Health	Transphobia
Employment	Capacity building
Police	Lack of Trans activists
Service Providers	Lip Service
Daily Violence	Research, finding out about the issues.

Tania from COC spoke of the awkward and unacceptable position, which many trans people are faced with in terms of social blackmail from the medical services. This was reacted to by the workshop as a very vital issue now and in the future. More has to be done. Male to Female would only get hormones if they dressed as female, having to prove themselves to an institution that lack any real understanding of the situation at hand.

The theme "Because the Law says so, not because my body requires it" You don't get the services you need unless you play to the criteria set by the service providers, same the whole world over.

Inclusion to the list of other important T issues, trans and feminism,

women's network, transyouth and definition of who we are, social exclusion extending to racial and ethnic minority communities. Finally, German delegate put forward the issue of identity trouble. The point just because you are a woman and have a penis does not mean that you are a lesbian. Agreement that people and those in LGB organisations have to think more deeply when dealing with the T issue. This very much linked into the discussion on hetero normativity and society with its rigid gender role is to blame.

Future post surgery

There next followed a discussion on surgery and the physical and physiological pressures this can put on T people. For those who choose to undergo surgery they face the situation of end of road scenario. What is the quality of the result? What are the problems to face one post surgery such as credibility, passing off, birth cert changes, passports etc etc. There is a real need for greater support services for those considering surgery and also for post surgery patients. Once more the issue of hetero normativity was raised. Why should we define ourselves against our will (for those who choose not to define themselves in that sense) to perpetuate societies need to categorise and place into boxes that which they cannot and do not understand.

The Scottish delegate stated that this entire debate is centred on Western thinking, that is all well and good but we cannot exclude other cultures in addressing this problem. The point that Turkey was so akin to Latin America in a very relevant one. There was then a call for more discussion on intersex issues. Delegates spoke emotionally about the pressures of every day life in placing demands to define ones gender and sexuality. Why does society have a problem if any individual can feel one day a women and the next a man. Gender continuum opened up more points on hetero expectations. This issue not immune from the LGB community either. (GC not as phrase from the workshop)

Points raised in conclusion

In Australia they have issued the first ever intersex passports, delegates stated isn't the picture enough, again why do we have to have a mandatory sex on a passport, what is the relevance or indeed the sense.

Needs to be more awareness of AIDS in the T community as relevant to the general mistreatment of T people within the service provider institutions.

Next Workshop 13 would focus on amendments and proposals, workshop broke for coffee break, to be concluded in next workshop at 17.00

5. Minutes of Workshop

No 13: The transgender work of ILGA-Europe

Friday, 18th October 2003, 17.00-18.30

Presenter	Nico Beger (Executive Board)
Chair	Deborah Lambillotte (Holebifederatie)
Minute Taker	Iain Gill (ILGA-Europe)

Minutes	<p>The workshop began firstly with with an introduction into the Work Programme, defining the objects and areas of work for the specified period with particular relavnce and importance to the T Community. Allowing the board of ILGA-Europe to explore the needs and capacities of les/bi/gay/ transgendered/transsexual</p> <p>1.2.2- On the proposed directive on gender discrimination outside employment, the work for the inclusion of specific references to gender identity discrimination in the proposed directive.</p> <p>1.3.5.-Explore viability of commission funding for an exploratory project on specific discrimination faced by transgendered lesbians, gay men and bisexuals and persue if viable.</p> <p>1.4Asylum and Immigration</p> <p>1.5.2. To seek to ensure that the EU accession process takes account of gender identity, discrimination particularly around huma rights violation against transgendered people</p> <p>The listing of this particular article began a brief debate on the anti-discrimination articles in the EU; there was considerable discussion on the issue of sexual orientation been adopted in the accession countries but no mention of specific gender identity protection in this regard.</p> <p>1.6.1- Inter Governmental Conference: gender identity is still not included in any of the anti-discrimination articles.</p> <p>On the issue of article 1.8.1. – the mechanism of the Social Inclusion Process; there was questions about the exact meaning of the topic, it was explained in non EU speak as basically the social inclusion programme run by the EU including poverty and social exclusion, so the very real need to work with NGO`s from the european social platform etc. Since social exclusion and poverty relates to transgender issues significantly, IE should explore possibilities of funding under such programmes.</p>
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Article 7 Health Issues including HIV/ AIDS. Nico highlighted the possibility of ILGA-Europe concentrating more work in the health area. Also pooling extra funding from non EU sources. After a question from the floor on a technical formality, Nico explained that the board is seeking general approval of the conference to expand into that area and that the trans working group had put specific attention to trans health issues in as one option of future work.

8.2.1 – Question of the Brussels office for Eastern area, seeking to secure further funds to support the work of the new assistant director with a policy officer on transgender located in the Brussels. A member of the COC queried as to why does it have to be based in Brussels.

The panel stated that it was unrealistic that all things can be done by one person on their own for all LGBT people in the eastern area. There then followed financial arguments and supportive reasons for the location of Brussels as adequate venue. Floor agreed.

There then followed a query about the possible inclusion of the term 'gender expression'. People asked as to why it could not be included if it was mentioned in the published definitions. Others stated that it was not legally applicable and that it had already been tried to lobby commission on gender expression. Hungarian delegate remarked that this is not a paper for the EU but for ILGA-E and alluded that perhaps the reason is not listed is for simplicity sake. The workshop however resolved that gender expression should be put into the workprogramme.

Point 8- Organisational development and funding. On this issue it was remarked that the board should broaden its diversity approach. This in turn lead to a heated debate on representation. Is it something to get away from or is a form of guarantee against lack of voices been heard on the board and in ILGA_E in general. It was argued vehemently that the conference should ask questions about issues on equality across the board, disabilities, bisexuals, minorities in general. The board present and future should a dedicated interest in the issues and not just represent what that particular issue is. The idea that it is not enough to be purely it to represent that issue.

There then followed a query on family rights for T people in relation to article 1.4, Asylum, Immigration, and where can adoption come in? The reply was that we have a policy paper already which gives ILGA Europe's prospective on these issues, which includes adoption and family for all. It was reiterated that this work programme is more for the tasks we set each other for the year ahead.

The Group then moved onto Annex C

Election Process

Proposals to change constitution because as it stands one must identify as man or woman, there is no space for gender neutral people. SETA in reference to its proposal stated that "we are not proposing model to solve this but we do need to change this. There then followed a further discussion on the composition of the main board. Majority of floor was in was in agreement that there should be a variety of people not solely gender specific.

SETA suggested that perhaps the model in Finland could work, where it stands at 40% definite make up of women and the rest to be contested as an open election regardless of gender or sexuality. There then followed a rather heated debate on feminism; women, M – F and F- M trans and intersex delegates on whether or not to open up the elaction of the board. Tania stated that if we make reservations on the board, we limit its capacity to function on behalf of the community. This was supported by many on the floor whom believed that reserve places for specific groups will collpase and reverse the progress enjoyed. The Scottish delegate interjected and stated that to believe the feminist movement has come that far in a short space is short sighted at best. SETA agreed.

SEE RECOMMENDATION 1

Proposal 2. Sexual Identity

There was serious discussion about the continous use of the words sexual identity in the European Union, there was majority belief that the use of the term mixes issues of gender and sexulaity to such an extent that it makes it impossible to distinguish the different legal and social forms of discripination between LGB and T people. The LSVD said they support the term sexual identity in the German law to distinguish from pedophilia and to secure people’s inner felt identities. Most felt that such approach exactly describes the problem and why it is very dangerous for lesbians, gay men and bisexuals to be forced to assert fixed identities when many of us do not live that way, e.g. the example of lesbian asylum often being impossible because they cannot prove irreversible identities (because of the situation of women in general in their countries).

SEE RECOMMENDATION 2

Don then explained the legal solution taken in NEW HAMPSHIRE in reference to anti discrimination laws. That system is based on percieved sexual orientation so the problem is with the attacker not those who are attacked regardless of their sexualality or gender. This was raised in realltion to the problem of sexual identity. In order to et a prosecution you have to come to court and then prove that you are LGB before you can prove that you were discriminated on the basis of your sexualaity etc etc. It was highlighted that its the legal implications that is the problem.

Proposal 2 continued

Sexual identity on all languages – higlighted that this cannot be done

Translation problem, certain phrases dont exist in ceretain countries.

See Recommendation 3

1. Work programme:

- Add the term gender expression behind the term gender identity
- Explore the options under the social exclusion programmes
- Approval of the mainstreaming approach and the transgender section
- Support for exploration of capacity building idea

2. Proposal on change of board composition:

- workshop endorses the proposals and the amendment by the board and recommends the conference to adopt it subject to: wanting the board to ensure a general diversity approach in their overall proposal package for next year, thus adding to the board amendment the words ...”these principles and other issues of diversity...”

3. Proposal on terminology

- workshop endorses the proposal and the amendment by HOLEBIfederatie and recommends the conference to adopt it subject to: deleting the words “in all languages” and changing the word demand in point 2 to suggest.



5. Minutes of Workshop

No 14: Trade unions and European LGBT issues – what is the role of trade unions in the fight against discrimination

Friday 17 October 2003, 17:00-18:30

Presenter	Maria Gigliola Toniollo, CGIL
Chair	Jackie Lewis, Unison
Minute Taker	Erwin Kunnen, Aob

Minutes	<p><u>Click here for PowerPoint Presentation: Trade Unions and European LGBTI issues</u></p> <p>The presentation of the works of the Italian trade union CGIL ended with the question to the workshop: how can we establish and broaden networking and international cooperation, and specifically what would be useful for European involvement from ETUC (European Trade Union Confederation)? The Dutch trade unions presented the most recent information on the initiative from EI/PSI to establish a LGBT forum on trade unions and LGBT issues. They also provided the latest information on how ETUC is starting on taking the issues on in its work.</p> <p>The workshop took on the initiative from Grada Schadee to set up a Yahoo-list on the subject of trade unions and LGBT issues. (If you want to be on it: contact Grada Schadee).</p> <p>The workshop supports the suggestions to the ETUC: to set up a survey amongst its members to see what they do on LGBT issues and to inquire what needs they have/info or help they want on this subject, and to coordinate a network of trade union(group)s to provide information and help with setting up exemplary good practice models and support.</p>
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5. Minutes of Workshop

No 15: Human rights and asylum issues

Friday, 16th October 2003, 17:00

Presenters	Sheila Swatschek (ILGA Europe); Jan Doerfel (International Resource Centre of Social Minorities); Anisa De Jong (Safra); Matthew Davies (UK GL Immigration Group)
Chair	Riccardo Gottardi (Arcigay Italy)
Minute Taker	Francesca Stella

Minutes	<p>The topic of the workshop were the ways in which issues of human rights abuse concerning the LGBT populatin can be raised by NGOs with international bodies and with national governaments. Different ways of collecting and exchanging information in order to have succesful asylum application were discussed in the workshop. The importance of collecting detailed information based on concrete evidence and reliable sources was highlighted.</p> <p>Sheila Swatschek presented a new project within ILGA Europe which aims at tacking human right issues even outside the borders of the EU or the Council of Europe. For example, the EU has several international trade agreements with third coutries which are conditional on a good human rights record. Collecting information about human rights abuse in a given country, finding out about the relevant international agreements and then raising the issue with the relevant international body can be an effective way of dealing with human rights abuses concerning the LGBT population. A pilot case within this new project was the monitoring of police harassment in Ukraine (see workshop 5).</p> <p>Jan Doerfel talked about the possibility of raising similar issues within the UN. It is very important to know the procedures and the bodies dealing with human rights issues within the UN. Special rapporteurs within the UN work either on specific country situations (e.g. Somalia and other countires with a poor human rights record) or on topical issues (e.g. torture, health etc.). NGOs can contact the relevant rapporteur, who will then collect information on the situation, contact the government concerned and publicise the information collected in special reports. This puts pressure on the local government, who is under scrutiny from the world community.</p> <p>Lawyers dealing with asylum applications can put to good use the information collected by UN rapporteurs. They can also feed back to the UN cases of both succesful applications (the UN may be put pressure on the government to give some form of financial compensation) and unsuccesful ones, especially if deportation to the country of origin may result in torture, incarceration etc. In this case the rapporteur will contact the local government, asking for reassurances, and may put pressure on the country to which the</p>
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	<p>asylum application was addressed to and require an interim solution, if the guarantees given are not judged satisfactory.</p> <p>Anisa De Jong presented the project of a country by country information resource on LGBT issues, reliable and easily accessible by all the organisations dealing with human rights and asylum issues. The information collected (based on secondary sources), together with a list of sources and organisations dealing with similar issues, is going to be put on a website.</p> <p>Matthew Davies presented the activity of the UK GL Immigration Group, offering legal support to people claiming asylum on the basis of their sexual orientation. First, lawyers have to prove that their client is actually G/L/B/T. It is not enough to give evidence that in the applicant's country of origin being G/L/B/T is illegal; lawyers have to prove that the law is enforced and that GLBT people face persecution. The organisation is trying to find funding to create a full-time post to create an information resource.</p> <p>Several issues were raised by those attending the workshop. Finding specific country information on LGBT issues is crucial to the success of asylum application, but it is particularly difficult. Although some projects of information resources have been launched (e.g. in Denmark) or planned, a common problem is lack of funding to create these resources. Access to reliable information is crucial for both NGOs and lawyers dealing with asylum cases, since immigration authorities challenge the reliability and relevance of the data collected – often with biased or unreliable information. Legal and practical difficulties in dealing with prejudices in institutions dealing with asylum applications are very common problems for asylum seekers; low awareness and prejudice towards LGBT issues often results in further difficulties. Another problem raised is that not all countries accept sexual orientation as a basis to claim asylum (e.g. the UK does, but Italy does not). Creating a network of lawyers and NGOs dealing with asylum issues, therefore, is important to improve the support given to asylum applicants. Raising awareness of LGBT issues with human rights organisations as well as international bodies and national government is also deemed important.</p>
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Key Recommendations	<ol style="list-style-type: none">1. Creating a network of lawyers and NGOs dealing with asylum issues (a mailing list of the people attending interested in these issues has been set up)2. Spreading information on the existing information resources on LGBT issues
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5. Minutes of Workshop

No 16: LGBT YOUTH SCOTLAND

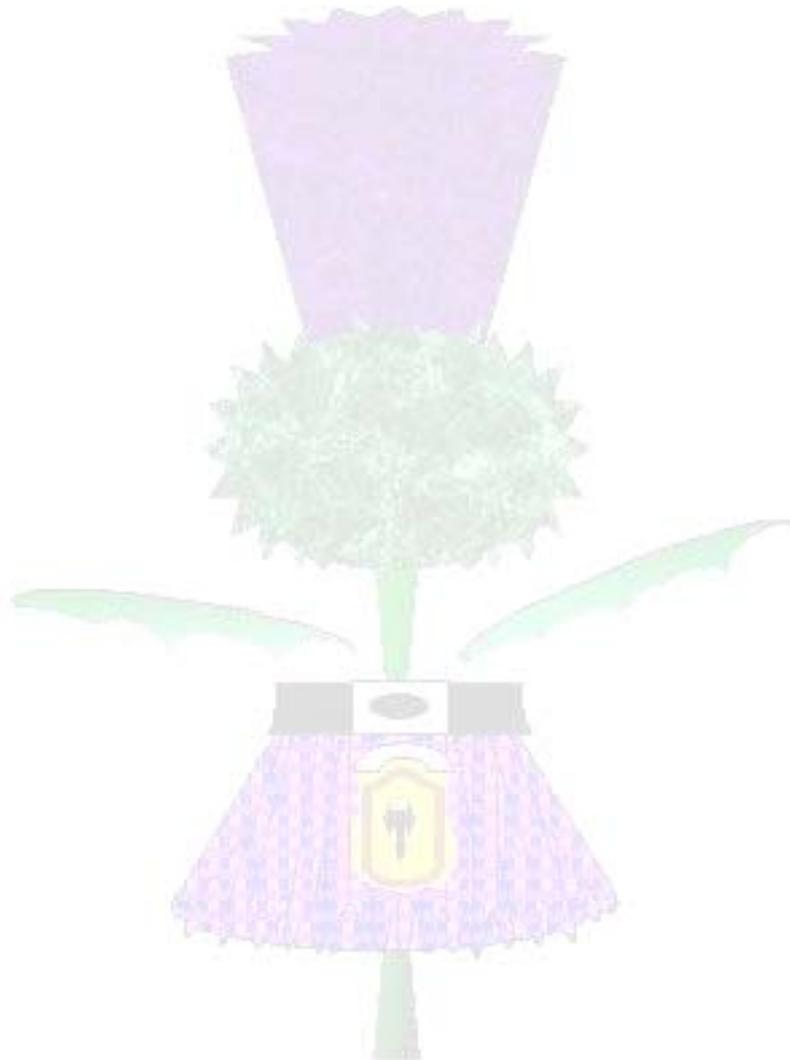
FRIDAY 17TH OCTOBER 2003,1700-1830

Presenter	Grace Cardozo, LGBT Youth Scotland Network Manager Sarah Rolinson, MSYP, LGBT Youth Member
Chair	Ailsa Spindler, Executive Director
Minute Taker	Maggie Murphy, UNISON Scotland

Minutes	<p>The speaker opened the workshop with the outline of the purpose,role and learning outcomes of the session. This involved a small group discussion, powerpoint presentations and discussion and answer session to conclude the workshop.</p> <p>In the small groups people discussed the following topics:</p> <ol style="list-style-type: none">1-what work is currently happennig with lgbt youth in your country?2-what are the barriers to work with lgbt young people?3-how do young lgbt people influence strategic change? <p>Countries represented were, Scotland, Poland, Russia, France, Northern Ireland , England Croatia and the Netherlands</p> <p>Outcomes of the discussion were</p> <ol style="list-style-type: none">1-Meetings,magazines,parents,Pride,promotional materials , school activities, helplines, youth forums and conferences.2-The problems young lgbt people face were listed as such: gettingt space to meet, religion and religious influences, starting a new organisation, homophobia at home in school and in the workplace, fear, economic situations family structures, difficulty in accessing information, rural isolation and finding the right people to speak to.3-Building networks and linking young people to local goverment policies and national policies, advocating for young people and awareness raising of political structures, doing things that are enjoyable to promote participation and fun <p>The group then received a powerpoint input from Grace (see attached notes and also from a young person Sarah Rolinson also attached).</p> <p>The general discussion took place on social isolation of lgbt young people, how support organisation and partnership work with a range of providers including Education Services, cultural and leisure services, Helath organisations and the voluntary sector can promote change and improve services for young lgbt people</p>
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Sarah, a young person who is a member of LGBT youth, and also a member of the Scottish Youth Parliament representing LGBT young people and their issues, spoke and gave the group an outline of her roles and responsibilities.

This was an exceptional workshop in terms of variety and the relevance of the topic matter but the most important feature was that a young LGBT person felt confident and comfortable enough to deliver an informative and innovative presentation the way Sarah did.



5. Minutes of Workshop

No 17: Bisexuality

Sat 17th October 9:30-11:00

Presenter	Tiia Aarnipuu (SETA)
Chair	Jackie Lewis (Board)
Minute Taker	Erwin Kunnen (AOB)

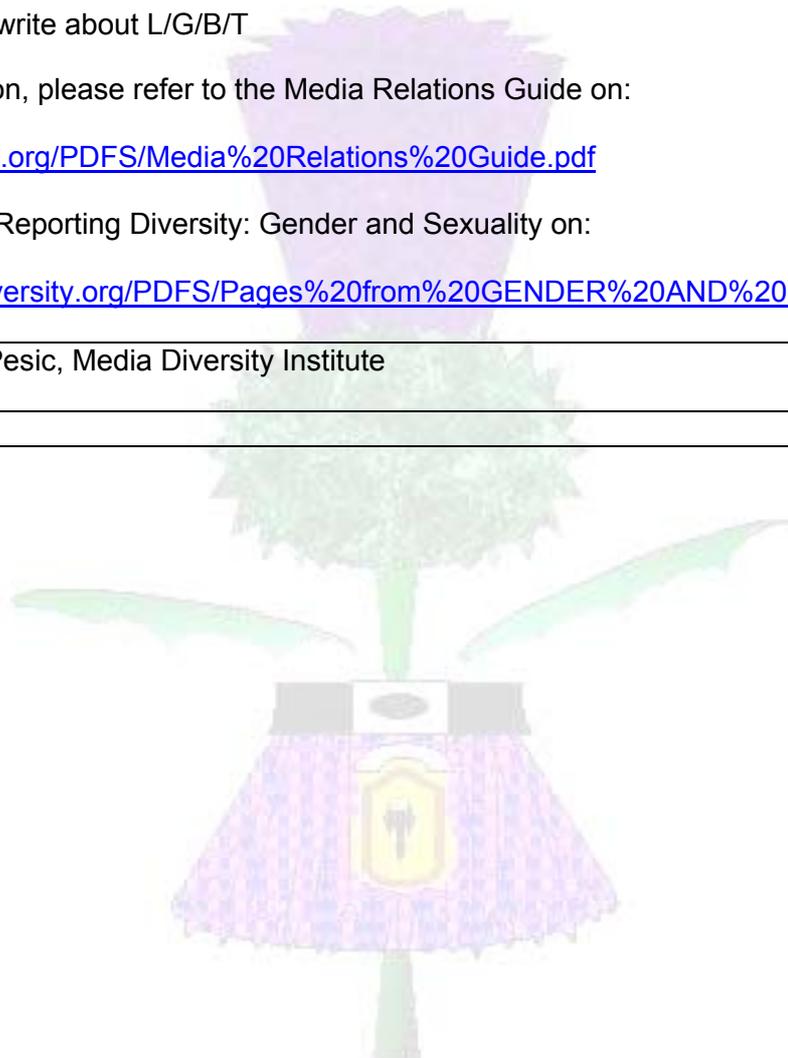
Minutes	<p>Starting off with an inventarisation of attitudes and beliefs towards bisexual people and bisexuality, the workshop went on to the effects these conceptions have on the discrimination and treatment of the people and issue.</p> <p>After a more general discussion on what should be done and what we need to address the issue the workshop focussed on the specific paragraphs in the workprogram and the recommendations for the work of ILGA-Europe.</p> <p>The last part of the workshop the subject of language in the context of inclusion and representation of certain or all people in the 'LGBT' 'community'</p>
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Key Recommendations	<ol style="list-style-type: none">1. The workshop recommends that in the work program, paragraph 8.3.3, the second part of the paragraph, inbetween commas, after '...people' be placed in brackets, for easier readability but still recognising the work that has been done.2. The workshop recommends that the title of paragraph 8.3 be changed from 'The right of bisexuals' to (a title similar to par. 8.2): 'Enhanced involvement of, and work for, bisexual persons.'3. The workshop recommends that the ILGA-Europe board reviews the constitution and standing orders to ensure inclusion and that ILGA-Europe is in accordance with ILGA (world) in that respect.4. The workshop recommends that there will be a further opportunity to talk about language and the effects of language on representation and inclusion in a formal workshop also to review th ILGA-Europe documents like the workprograms in this respect.
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5. Minutes of Workshop

No 18: No minutes available

Workshop no: 18	Sat 17th October 9:30-11:00
Workshop Title: <i>Developing LGBT NGOs in Central and Eastern Europe – the role of media management</i>	
Summary: Milica Pesic works at the Media Diversity Institute in London. She will focus on the role of media in diverse societies and look at why diversity matters. Themes will include: <ul style="list-style-type: none">• Myths and Truths• Why to write about L/G/B/T• How to communicate with mainstream media• What to write about L/G/B/T For further information, please refer to the Media Relations Guide on: www.media-diversity.org/PDFS/Media%20Relations%20Guide.pdf and the publication: Reporting Diversity: Gender and Sexuality on: http://www.media-diversity.org/PDFS/Pages%20from%20GENDER%20AND%20SEXUALITY.pdf	
Presenters: Milica Pesic, Media Diversity Institute	



5. Minutes of Workshop

No 19: Building Networks

Saturday, October 18th 2003, 9.30 – 11.00 a.m.

Presenter	Birgit Hardt (IE); Robert Simon (INTER-LGBT)
Chair	Tatjana Greif (SKUC-LL)
Minute Taker	Tatjana Greif (SKUC-LL)

Minutes	<p>The workshop explored the possibilities of building effective networks. It was set up as a brain-storming and interactive exercise. The focus was first of all to define networks from various different angles. This included recognising its diverse nature, both as a formal/informal structure, or with a thematic/ functional emphasis. Participants looked at the different goals of setting up networks and the advantages and difficulties involved in international networking.</p> <p>Some of the objectives highlighted were mutual communication, exchange of information, solidarity, knowledge exchange, work on common projects, long-term cooperation, support on an emotional level, solutions-based, to name but a few.</p> <p>The possible obstacles of networking were recognised on two levels (structural level and the level of content). Another important challenge was the issue of keeping networks safe environments.</p> <p>The discussion then moved to ILGA as a network. The structure of ILGA was presented, and the position of ILGA-Europe within it. Participants explored both the potential of the formal and the informal structure of ILGA-Europe and discussed how it could be transformed into an even more efficient network.</p> <p>A real need was identified for more horizontal networking within ILGA-Europe. The opportunity is already there – it is only a matter of using it. As an example, the LGBT Project Factory was introduced. Based on an initiative of Dutch members of ILGA, it uses the vast membership of ILGA to focus on building up co-operation for transnational projects.</p> <p>The discussion also focussed on the question of how ILGA-Europe could strengthen its role as a “central hub” for information exchange. Some member organisations gave the example of setting up moderated thematic email groups that people can sign up to (e.g. asylum/migration, personal status, transnational projects – the LGBT Project Factory).</p> <p>Another element addressed was the possibility to set up more thematic working groups within ILGA-Europe. Currently, there are two</p>
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	operational working groups, the Council of Europe and the Transgender Working Group. This should be explored further.
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Key Recommendations	<ol style="list-style-type: none">1. In the future ILGA-Europe should encourage horizontal networking of its member NGOs.2. More “open space” should be arranged at the conference to enable such exchange and interaction3. ILGA-Europe should strengthen its role as a ‘central hub’ for info exchange. Mutual communication between member NGOs should be established (Email-groups). If members wish to set up such groups, they should inform IE.4. ILGA-Europe network should serve as a data-base resource in various contexts.5. IE should look into setting up more working groups in priority areas, also taking into account expertise beyond the LGBT communities
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5. Minutes of Workshop

No 20: Fund raising

18th October 2003, 9:30 – 11:00

Presenter	Rupert Tebbs, Alison Heyes
Chair	Ailsa Spindler
Minute Taker	Riccardo Gottardi

Minutes	<p>A slides presentation is delivered (see slides). A number of questions and observations are raised and discussed.</p> <p><u>Click here for PowerPoint Presentation: fundraising for lgbt organisations</u></p> <p>It is observed that that corporations want political credibility and synergie from their relationships with NGOs, while NGOs want money and to change the business policy.</p> <p>It is important to diversify the sources of funding. In many LGBT NGOs events and members are the major part of funding. Legacies are a possibility in countries with not so much taxation (e.g. not France with a 60% taxes on legacy).</p> <p>There are difference in fund raising for divverent groups within the LGBT community. In manu South-Eastern/Eastern European countries there are great contributions by funding bodies. Moreover lesbian groups rather than gay groups receive much more support from individuals than experienced in Central-Northern Europe.</p> <p>The achievement of a charity status is a step that may facilitate donations, even though it is not always a pre-requisite. When there is a strong homophobic environment and the community feels attacked it is more likely a reaction and that the community donates to those who are committed to change things.</p> <p>The friend scheme presented had an income of 450,000euros/year compared to a cost of 7euros/person/year of investement. It must be added the investment for publicity and PR. Overall acquiring individual donors m,ight be expensive. To make people feel closer (close friends scheme) they were sent emails on what was going to happen as opposed to what has happened.</p> <p>Crusaid – for each 1pound spent 3,5 are gained. At the beginning it was much less.</p> <p>Proposal put forward for consideration: IE could produce a fund raising</p>
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tool kit, pass it to members with the possibility to use IE`s brand and in exchange get a small percentage of the incomes.



5. Minutes of Workshop

No 21: Developing Community Capacity

18th of October 2003, 15.00

Presenter	Ruth Henry (Beyond Barriers) and Forrest and Uris (C21)
Chair	
Minute Taker	Eric Kay, Scotland

Minutes	<p>Presentation given by 3 Workshop Leaders Community Development Approaches</p> <ul style="list-style-type: none">• Internet• Database• Posters• Local newspapers• Existing LGBT orgs and groups and people• Helpful local orgs• Statutory Agencies• Research• Needs assessment. <p>Some common tasks for the projects:</p> <ul style="list-style-type: none">• Information Provision• Get involved packs• Working across diversity with different groups of interest• Networking <p>C21 gives grants for projects tackling homophobia and another area of discrimination</p> <p>Special Rural Challenges: Visibility Isolation Fear Coming Out (positive and negative)</p> <p>Inspiring Individual ACTION will make a difference and having research to repeat will give evidence of the effectiveness of the work.</p> <p>Work across Governemts where possible and use European support Networks</p> <p>Sometimes other organisations (e.g. Trade Unions) can provide a useful opportunity to network and produce change</p>
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WS 21 Handout: Developing Community Capacity – Introduction to the Citizen 21 Project

General

- The project was a response to the series of bombings that took place in London in 1999, targeting Black, Asian and LGB communities.
- Stonewall decided to develop a project that would help:
 - build links, understanding and co-operation between different communities who experience prejudice and discrimination
 - increase awareness of the diversity of LGB communities
 - tackle prejudices (such as racism, sexism, disablism, ageism) within LGB communities
 - tackle homophobia in other communities and the mainstream
 - encourage sustainable community infrastructures, to support lesbians, gay men and bisexuals to develop equality, participation and recognition within society.
- Main areas of the Citizenship 21 Project:
 - information: opinion polling, research, website, information service
 - diversity: publishing best practice diversity promotion and training materials
 - Citizenship 21 Awards

Project activities

- **Information Service & Website:** brings together data, such as research, policy, best practice methods, legislation, etc in a national resource bank available through website and e-mail. Used by individuals, local LGB groups and other bodies including employers, police forces, health authorities, charities and voluntary organisations.
- **Research: Profiles of Prejudice** investigates the extent and nature of prejudice against minorities and the social factors associated with prejudice and its opposite: respect.
- **Diversity:**
 - **Safe for All:** A best practice guide to prevent homophobic bullying in secondary schools aimed at governors, school staff and other professionals.
 - **Get Involved:** A guide to active citizenship for LGBT people - how to take part in public and community life, from serving as a magistrate to running sports clubs.

Citizenship 21 Awards

- The Awards scheme was set up to encourage community groups to work together to tackle discrimination in their communities.
- Awards of £1-5,000 for projects tackling homophobia and at least one other form of prejudice. Had to be a partnership with at least one other group and part of the money had to be used to increase their capacity.
- The 3 year scheme had 132 applications and gave out 52 awards - intensive publicity to reach groups that other funders find hard to reach.
- 2 areas where groups in England needed help other than diversity awards:
 - Groups not seeking to deal with, or not being able to deal with, homophobia.
 - Isolated LGBT communities with little or no access to resources.
- We have applied for funding to continue the project for another three years but with two awards schemes:
 - Repeat the Diversity Awards, with minor improvements.
 - Start a Capacity Awards scheme giving up to £1,000 to targeted groups in England to help them reach the point where they are able to apply for diversity awards.
- We will not know until January 2004 whether we will receive the funding to do this.

5. Minutes of Workshop

No 22: Transnational Exchange Projects

Saturday 18th October, 15:00 – 16:30

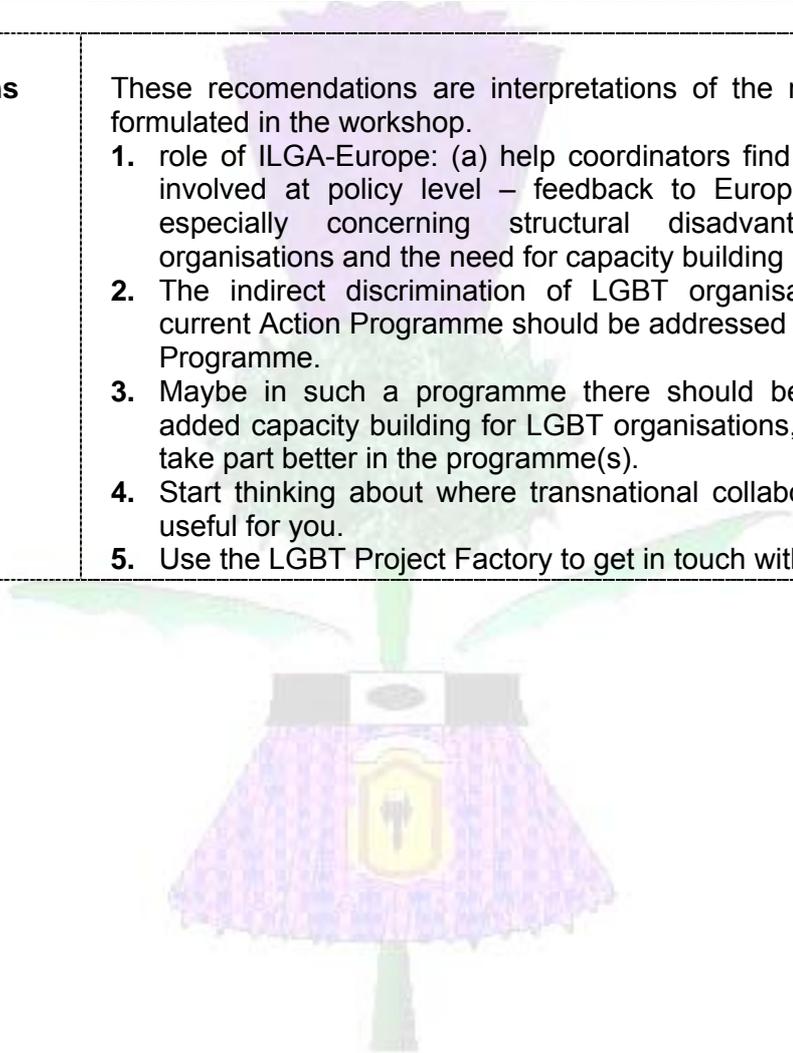
Presenter	Birgit Hardt (ILGA-Europe), Peter Dankmeijer (Empowerment Lifestyle Services)
Chair	Birgit Hardt (ILGA-Europe)
Minute Taker	Peter Dankmeijer (ELS)

Minutes	<p>Birgit excused Cecile LeClerq (European Commission) and Karima Zahi, who were planned to do presentations. They can not attend the conference because they are ill.</p> <p><u>Click here for PowerPoint Presentation: EC action programme to combat discrimination</u></p> <p>Birgit presented the sheets that Cecile LeClerq prepared and outlined the first and the second call for proposals under the Action Programme to Combat Discrimination. There are two main differences with the first call. One is that the decision on which organisations are allowed to carry out a project, will be made right after the application, instead of after the first (preparation) phase. This will prevent the disappointment for organisations that work for 6 months on preparing a project and then hearing they cannot carry it out. Another difference is that there will be more emphasis on that the project fits within the EU programme as a whole, especially focussing on proper implementation of the directive itself.</p> <p>The deadline for this next call is November 28.</p> <p>Birgit went on to present some learning experiences of the past projects. For details please refer to the attached powerpoint presentations.</p> <p><u>Click here for PowerPoint Presentation: Transnational Exchange Projects</u></p> <p>Peter gave some practical illustrations of several points that Birgit raised, based on his experience in the Triangle (<u>www.triangle-info.de</u>) project.</p> <p>After these introductions, there were some questions which were answered by Birgit, Peter and some of the participants.</p> <ol style="list-style-type: none">1. Who can get money for a project under the Action Programme? All countries of the EU including the accession countries, but except Turkey. Within the countries, all kind of organisations can apply. However, the organisations need to
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- be reliable financially (have a good administration, bookkeeping and so on).
2. Does the EU cover all expenses? No, in every project, you need to find 15% co-funding. This co-funding can come from any source.
 3. Do you need to contact national authorities, like in the EQUAL programme? No, with applications and handling of Action Programme projects you deal directly with the EU directorate. They can support as well with problems in filling in application forms.
 4. Are the the Action Programme and forms available only in English? No, they are available in all main EU languages, see the EU website under calls for proposals.
 5. It is difficult to find the co-funding, especially for less experienced or established NGO's like in Eastern Europe. How can we address this? One way is to built a project partly on other work that is already being done and funded by others. Than these budgets can be presented as co-funding and there is more continuity as well. But in general it is true and especially a problem for the LGBT movement, because our organisations are often just voluntary based. In a sense, the current Action Programme discriminates LGBT NGO's indirectly because they are less professionalised than most organisations dealing with other discrimination grounds. This should be addressed in a possible new Action Programme after 2006. Maybe in such a programme there should be a provision for added capacity building for LGBT organisations, so that they can take part better in the programme(s).
 6. When you only have to make a general outline of the plan in the first phase, but at the same time submit a detailed financial plan, what do you need to work out in the first phase? The EU needs an overview of what the total budget will amount to. The detailed financial plan is usually reworked during phase one. Amounts of money under different headings (salary costs, travel costs, meeting costs, product development) will change when there are more or less partners and meetings than planned. Even during the phase two, money can – in a more limited way - be shifted between headings. But the total amount of money will remain unchanged.
 7. How many LGBT projects were in the first tranche of the Action Programme? Of the about 20 projects, there were four that focus specifically on homophobia and several others that integrate combating homophobia into diversity or combating multiple discrimination grounds.
 8. Can partners that applied once, apply again? Yes, and when they have shown to be reliable and succesful, there may even be a greater chance that they get funded.
 9. Why is the time between the announcement of the call and the deadline so short (two months)? The idea is that organisations already have ideas and can submit these in such a short time.
 10. How can we get involved in such early planning? The LGBT Project Factory is a tool for this. Later this afternoon, some ILGA members will bring forward an amendment to the ILGA working programme to promote such collaboration between members.
 11. What is the problem with collaboration between state agents (e.g. ministries) and NGO's? These organisations work in

	<p>different ways and different working cultures might clash. For example, a ministry may only want to allow publication of a product if the minister herself has approved it. Her disapproval may be on quite detailed aspects like sentences or pictures in a product. When this happens in a transnational project with 8 partners and within a tight time schedule, this can present a serious problem.</p> <p>12. The EQUAL programme aims to bring jobless people into the working place. I don't see how that will be possible in Hungary? The current LGBT EQUAL projects in Sweden, Finland and the Netherlands do not focus on this, but rather on research, information and awareness. The key to do this is to build a relationship with the national social fund council and convince them that LGBT issues should be part of EQUAL.</p> <p>It was suggested it would be useful to have a list of national and international priorities to work on in projects. After the workshop, several participants contacted each other to work together. Some asked to be involved in a possible follow up Triangled project. Empowerment will take this to the Triangle partners. Another suggestion was to organise an East European minisymposium on LGBT health in order to create partnerships and collaboration plans The Schorer Foundation will be asked to pick this up.</p>
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<p>Key Recommendations</p>	<p>These recommendations are interpretations of the minute taker, not formulated in the workshop.</p> <ol style="list-style-type: none">1. role of ILGA-Europe: (a) help coordinators find partners, (b) get involved at policy level – feedback to European Commission especially concerning structural disadvantage of LGBT organisations and the need for capacity building2. The indirect discrimination of LGBT organisations under the current Action Programme should be addressed in the next Action Programme.3. Maybe in such a programme there should be a provision for added capacity building for LGBT organisations, so that they can take part better in the programme(s).4. Start thinking about where transnational collaboration could be useful for you.5. Use the LGBT Project Factory to get in touch with each other.
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5. Minutes of Workshop

No 23: Issues of conception and parenting for lesbian and bisexual women

Saturday, 18 October 2003, 15h

Presenter	Adrienne Hannah, Family Planning Association John Gonzalez, mannotincluded.com
Chair	Tatjana Greif (ILGA-Europe board)
Minute Taker	Nora Bednarski, European Disability Forum

Minutes	<p>Adrienne Hannah presented her own experience as a non-biological lesbian mother who has two children conceived by self-insemination and highlighted some questions future parents may want to ask themselves. Who will be the biological mother? Where will the sperm come from? How will the insemination take place (in a clinic by artificial insemination, self-insemination)? What role will the sperm donor play (will he be anonymous, will he be known but not involved? will he have any role as a father)?</p> <p>Adrienne described how she and her partner approached their very close gay male couple friends to see if either of them would agree to be the sperm donor. The suggestion led to 6 months of intense discussions between the four about moral and practical aspects of parenting and consideration issues that could arise if they decided to go ahead with the pregnancy, which they did eventually by self-insemination. It took four months of trying to become pregnant. (A few tips from the experts about optimising your chances of pregnancy when self-inseminating: use fresh semen two days before or after ovulation, have an orgasm after insemination, lie with your legs in the air for 20 minutes after insemination).</p> <p>When their son was 2 and a half years old the media pounced on them as 'a story' and for several weeks they had reporters camping outside their house and incessant press coverage. The experience was highly draining and upsetting for the family. It caused them to move to another village, which meant they were further away from the gay male couple that had a regular role in their son's life that essentially had four parents. The gay male couple's role subsequently diminished so that they no longer played the role of fathers. The oppressive media attention also had the effect of delaying Adrienne and her partner's decision to have another child, which they did several years later. Eventually Adrienne and her partner split up but they live near each other, are on good terms, and their two children spend time with each mother.</p> <p>Adrienne mentioned that often it is difficult for parents to decide how 'out' they should be at the child's school. The best message (for the school and the child) is not to be seen to be hiding anything.</p>
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John Gonzalez, Managing Director of mannotincluded.com (MNI), explained that he set up his company in response to the fact that there are clinics that refuse to 'treat' single and lesbian women. The process of conception is facilitated by MNI who helps women choose anonymous donors, ensure the donors have been tested, and assist with conception. In the case of a known donor, he has parental rights despite any legal agreement that states otherwise. John emphasised that the clinical conception process can be very draining (a lot of prejudice and bureaucracy) and that usually a woman thinks about getting pregnant for 3-4 years before she proceeds.

Discussion: questions and issues raised or points made

Role of the sperm donor

numerous participants emphasised that a distinction must be made between a sperm donor and a father. the first does not imply the second.

Anonymity of the sperm donor

some participants felt that it was within the rights of a child to know who their biological 'father' (donor) was and therefore they were opposed to the idea of anonymous donors

other participants felt that there is too much emphasis in society on genetic and biological identity and that rather than presenting the child with a moral dilemma (the age of 18 you can find out who your donor father was if you want) it is better simply not to create such choice. The relevance of the donor in the child's life is minimal.

There is a danger in comparing donor conception and adoption because in the adoption situation the child was not wanted at birth, whereas in the case of donor-conception, the child knows they were wanted. Therefore it is perhaps less necessary to know the donor.

Legal issues

in France it is totally illegal to engage in artificial insemination, even in one's own home and a doctor can be struck off for assisting a lesbian couple become pregnant

in Germany it is also forbidden even to discuss/publish information about artificial insemination. German women frequently turn to the internet to buy sperm from the USA (for as much as 8,000 euros). Despite the situation in Germany, there is a 'gay baby boom' with an estimation by an organisation of Queer Families in Germany of there being between 600,000 and 1 million gays and lesbians with children in the country. The organisation has advising centres in Cologne and Berlin.

Role of the non-biological mother

those with experience stated that children feel equally close and attached to their non-biological mother

Doesn't a child need a father?

some participants felt that a child needs a constant male role model (since just under 50% of our population is made up of men) and that not having a father-figure could cause problems for the child

other participants gave examples of single-parent families in which children grow up with only a mother or a father. they emphasised it is important that the child's home is a happy and loving place and that the gender of the parent(s) is not so important

there is a distinction between the biological and the social – the social is more formative in the child's development than the biological (the donor)

Other points raised

parents do not own a child and a child cannot be split between mothers and a father/donor

according to John Gonzalez, the chances of getting pregnant from sperm that has been stored frozen are about 7%

having two mothers is not a big deal for most children – in most cases we are projecting our own internalised homophobia onto their situation and perhaps overreact. It is best not to make a big deal out of it. Children are generally very frank and open about having two mothers.

children of gay parents are growing in number. not only will they themselves be more open and questioning but these children will make a difference in the world. People who know someone who is gay are less likely to be homophobic.



5. Minutes of Workshop

No 24: ILGA-EUROPE WORK PROGRAMME

Saturday 18th October 2003, 15:00 – 16:30

Chair	Jackie Lewis (UNISON)
Minute Taker	Riccardo Gottardi (Arcigay)

Minutes	<p>1) The workshop recommends that the proposed amendments from COC be inserted in the work programme under a new section titled “Relations between ILGA and ILGA-Europe”, with a minor amendment consisting in replacing the word “housing” with the words “office accommodation”.</p> <p>Consequently, the new paragraph would read as follows:</p> <p><i>“9. Relations between ILGA and ILGA-Europe.</i></p> <p><i>9.1 ILGA-Europe will actively contribute to the development of ILGA as a worldwide LGBT organisation. ILGA-Europe will support the cooperation between the regions of ILGA, and share its knowledge and expertise with other regions of ILGA.</i></p> <p><i>9.2 The two regional representatives of ILGA-Europe on the ILGA World Executive Board will report annually to the ILGA-Europe conference about their activities and the outcome of their work.</i></p> <p><i>9.3 The ILGA-Europe board will actively seek opportunities to cooperate with ILGA on a world level, especially in the field of housing and facilities.”</i></p> <p>2) The workshop considered a recommendation from WS 2 and endorsed it. This recommendation consists in inserting a new point 1.2.3, which reads as follows:</p> <p>1.2.3 Develop an Action programme in order to promote the recommendations presented in the policy paper “Families, partners, children and the European Union”, and create a working group on this subject.</p> <p>3) The workshop considered proposals from various workshops and recommended to consolidate them with the insertion of a new point 8.1.4, which would read as follows:</p> <p>8.1.4 Promote the networking of member organisations and individual members in order to exchange information, further empowerment and develop instruments (training, education, etc.) in fields such as education, health, social work etc. with the aim to combat homo-, bi-, transphobia and complacency.</p>
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Explanation: this amendment aims at facilitating the exchange of information and networking, rather than putting big resources into new fields of work.

4) The workshop considered the proposals from WS17 to change the title of 8.3 to “Enhanced involvement of, and work for, bisexual persons” and, under 8.3.3, to open a bracket after the word “people”, delete the comma and close the bracket after the word “implementation”.

A recommendation to the board being made, the workshop recommends the addition of a new point under 8, which would read as follows:

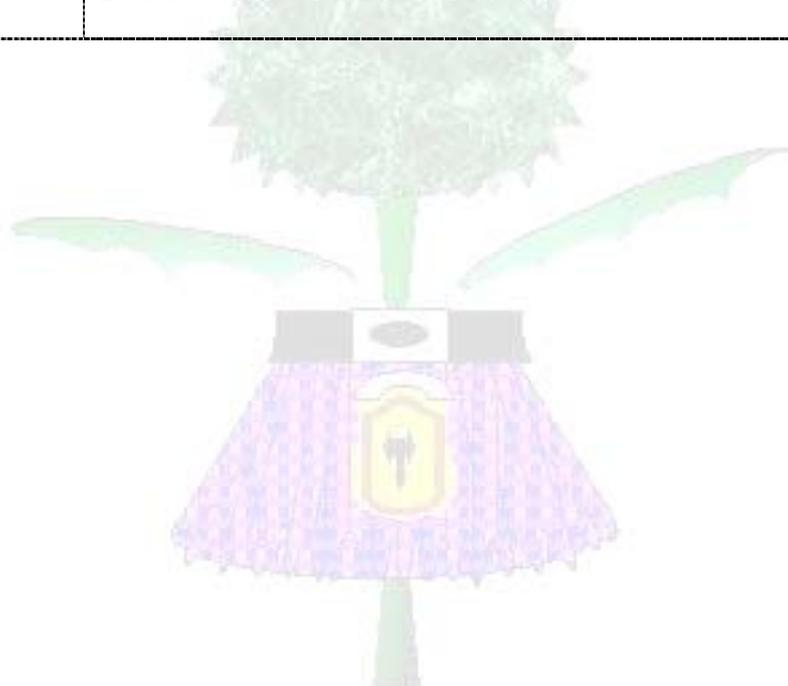
8.1.5. The Board will make a proposal to next year conference in order to bring the language in the constitution and the standing orders in accordance with ILGA constitution.

5) The workshop considered a proposal from WS13 to add the words “gender expression” wherever the terms “gender identity” appears. It recommends to the Conference to insert rather a new 8.1.6, which would read as follows:

8.1.6 The Board shall ensure that discrimination on ground of gender expression is addressed as well as gender identity. The Board will also address the need for this to be reflected in the language of ILGA-Europe documents including the proposed work programme for next year.

6) Recommendations to the Executive Board of ILGA-Europe

The workshop noted the recommendations made by several workshops to the Executive Board concerning the implementation of the work programme and recommends that the Conference invite the Board to take them into due consideration.



5. Minutes of Workshop

No 25: European Parliamentary Elections

Thursday, 16 October 2003, 17:00-18:30

Presenter	Birgit Hardt (ILGA-Europe)
Chair	Riccardo Gottardi (Executive Board)
Minute Taker	Riccardo Gottardi (Executive Board)

Minutes	<p>B.H. makes a slides presentation (see slides). A round of questions and observations followed as well as some debate and exchange of views and ideas.</p> <p><u>Click here for PowerPoint Presentation: European Parliament Elections, Spring 2004</u></p> <p><u>1. Scoreboard on current MEPs:</u> It is pointed out that it is relevant to <u>also</u> see what existing MEPs who are standing for re-election have voted on a few key issues. It would be good PR to make a scoreboard for votes casted in the nearest past (the best MEP, the worst one, the best party, the worst one, the best country, etc.). This could be relevant both for European and national PR from IE and members point of view as well. Many MEPs won't answer to a questionnaire, so it is good to know what they have voted in the past.</p> <p>It is important though to keep the two issues separate (i.e. what has been done in the past, what they answer – or do not answer – to the questionnaire).</p> <p><u>2. Questionnaire for EP elections 2004:</u> Important to focus on national differences: in some countries, especially acceding countries (e.g. Poland) there is a difficulty in sending out questionnaires to a number of candidates because of lack of economic resources for NGOs. There might not be the money to buy just the 200 stamps necessary to envoy the questionnaire; how could we avoid that the questionnaire becomes an exclusive exercise?</p> <p>In certain countries (e.g. France) may not be relevant to ask each candidate because the party controls them very tightly. In other country the opinion of the single candidate is more important because they have a much greater degree of freedom.</p> <p>The Commission is preparing a Draft Green book on discrimination that is due in April 2004. It will be circulated and finalised in November 2004. The EP has to vote on it so it would be good to ask a question to candidate about this, considering it will be floating around in that</p>
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	<p>period.</p> <p>Potential to 'use' Europe in national context: it is worth to consider that even those who will say that they will not support "the perverts", then may vote in favour because "Europe forces us to do so", hence it is always good to ask publicly even if there is a negative response. Also this has an awareness raising value.</p> <p>If resistance to LGBT at national level too overwhelming, worth thinking about extending the questionnaire to "article 13 issues" or to generally go for diversity rather than on "lgbt issues".</p> <p>A possibility also is to get into cooperation with NGOs working on other grounds. It must be noted though that this works very well in Brussels, but experience says that at a more local/national level this might be quite difficult.</p> <p>Apart from the questionnaire, it is also worth attempting to influence the political party programmes for the EP elections. This should be done asap.</p> <p>IE should disseminate information on this issue (e.g. timeline, etc.) and encourage members to influence party programmes.</p>
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Key Recommendations	<ol style="list-style-type: none">1. Explore scoreboard idea: collect data on the attitude in previous key votes of existing MEPs that stand for re-election.2. IE should encourage members to work with political parties and influence their programmes.3. IE should disseminate as much as possible information on the EP elections 2004 and on how to go about posing questions to candidates.4. The difficulties that might be faced from members in accession countries, due to funding problems, in carrying out a survey of candidates position shall be investigated in a view to find ways to support their action so that the survey does not become an exclusive exercise.
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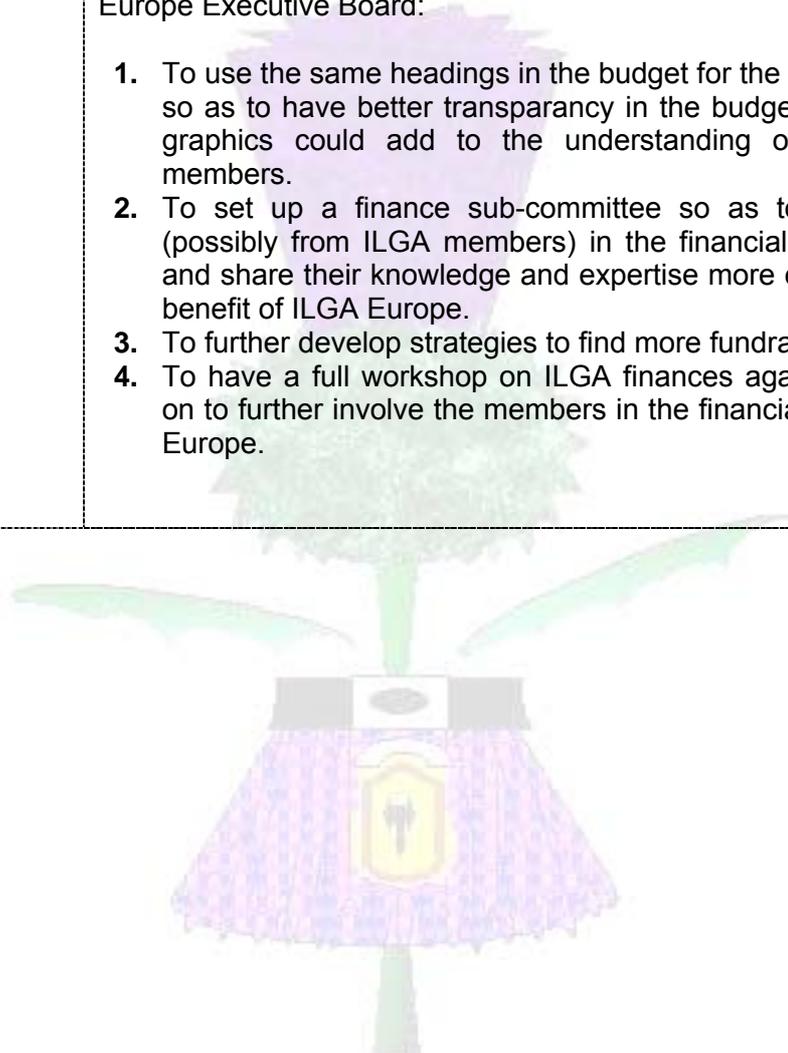
5. Minutes of Workshop

No 26: ILGA Europe's Finances Workshop

Thursday October 16th, 2003, 17.00-18.30

Presenter	Nigel Warner, treasurer
Chair	Kurt Krickler (Hosi Wien)
Minute Taker	Peter Zijlema (COC Netherlands)

Key Recommendations	<p>The open space workshop discussed the accounts for 2002, the commentary on Income and Expenditure Account for Jan - July 2003 and the indicative budget for 2004.</p> <p>The workshop made the following recommendations to the ILGA Europe Executive Board:</p> <ol style="list-style-type: none">1. To use the same headings in the budget for the different activities, so as to have better transparency in the budget. Also the use of graphics could add to the understanding of the figures for members.2. To set up a finance sub-committee so as to involve experts (possibly from ILGA members) in the financial matters of ILGA, and share their knowledge and expertise more extensively for the benefit of ILGA Europe.3. To further develop strategies to find more fundraising sources.4. To have a full workshop on ILGA finances again from next year on to further involve the members in the financial matters of ILGA Europe.
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6. Minutes of Open Space/Caucus

ILGA Europe's Eastern European Projects

Thursday October 16th, 2003, 17.00-18.30

With the support of a grant from the Rausing Trust, ILGA Europe is developing its capacity to work on East Europe, Council of Europe and transgender issues. The first stage in this development is the appointment of a Director for East Europe, Council of Europe and Transgender Programmes. The second stage will involve setting up an office in East Europe (with three staff) to provide political and capacity development support to the movement in East and southeast Europe (but excluding the 10 new EU member states).

The workshop will receive feedback on a questionnaire survey of the needs of organisations in the region, and will seek further input from participants from these countries on how best the limited resources of the future office can be used to meet their needs and priorities. No minutes are available, but ILGA-Europe Board members Nigel Warner and Maxim Anmeghichean made the following PowerPoint slides available.

[Click here for PowerPoint Presentation: ILGA-Europe Eastern European Project](#)

[Click here for PowerPoint Presentation: Questionnaire about Central and Eastern Europe](#)

