



Belgrade Gay Pride

Activists under attack



First row: Claudia Roth; second row, left: Lousewies van der Laan, David Geer and Hein Verkerk; right: Mette Vadstrup, Michael Cashman and Joke Swiebel

LGBT “embassy” opened

On 27 June 2001, the new ILGA-Europe office in Brussels, rented and in use already since February, was finally opened officially. Around 80 people followed the invitation, and at the peak of the party, our 70 square metres at Tervurenlaan 94 got quite packed. Members of the European Parliament – Joke Swiebel, Lousewies van der Laan and Michael Cashman, who also made a short speech – and assistants of MEPs dropped by, so did officials from the Commission, including Joline Wellinghoff-Salavert and Brendan Sinnott from the Employment directorate-general, and Stephan Lehmann from DG Enlargement, representatives of the NGO community including

many friends and supporters from the *Platform of European Social NGOs* and its member organisations, but also from *Human Rights Watch*. And of course many lesbian and gay activists showed up. We were glad to welcome former ILGA secretary-general Inge Wallaert, Tom Hoemig, administrator of the ILGA World office, Bernard Lonnoy from *EGALITE*, all the representatives from the movement in the accession countries who were in town for the European Parliament hearing on “EU Enlargement – A Gay Perspective” on 28 June, organised by the EP intergroup on gay and lesbian rights (see p. 4), and ILGA co-founders and pioneers such as Peter Ashman, Hein

Verkerk und David Geer. And Griffith Vaughan Williams, who made the journey from London just for these two occasions. Other ILGA veterans such as Hartmut Schönknecht and Ernst Strohmeier travelled extra from Germany and Austria to take part in these events. Hilde Vossen, chair of the Dutch Bisexual Network that had just organised the first European bisexuals conference in Rotterdam in June 2001, made the trip from Holland to join our party.

The surprise guest was Claudia Roth, former MEP and now chairperson of the German Green Party. She happened to be in Brussels and insisted to

attend our opening party. Since her groundbreaking 1994 EP report “on equal rights for homosexuals and lesbians in the EC” she has become something like an “icon” for the European LGBT movement. She gave a short speech emphasising the great achievement that the opening of this “embassy of LGBT people in Brussels” is after all the years of struggle and lobbying.

We would like to thank everybody who attended and showed her or his support and also those who brought flowers and other gifts or sent greetings by post, fax, e-mail or phone.



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Editorial

Busy summer

This summer was not exactly a quiet and dull season for ILGA-Europe's staff and executive board. After intensive weeks in June preparing, among other things, for the opening of our new office (see p. 2) and for the EP hearing on EU Enlargement (p. 4), July and August did not bring much relief with regard to our workload. In July, on top of all the regular work, we held the first two-day meeting of the new EU national co-ordination network to discuss how to focus advocacy efforts at the EU and national levels (p. 7). The seminar, of course, involved a lot of preparations and reporting afterwards.

July and August also saw some urgent emergency activities in response to human rights violations in Serbia and Egypt (p. 11), and more meetings including the Platform of European Social NGOs, the Commission, and the cabinet of Commissioner António Vitorino (p. 6), which was the most important one. Board members also did some travelling, but again not exactly holiday journeys, including to Budapest, Marseilles and New York (p. 10 and 8). Jackie Lewis, who also is one of the two representatives of the European Region to the ILGA World board, and Adrian Coman went to Oakland, California, to attend the ILGA World Conference which again involved much preparatory work for Jackie.

Speaking of conferences: The preparations for our own European conference in Rotterdam next October (p. 20) kept our treasurer, Nigel Warner, busy – and so did all the financial and funding matters, including our grant interim report to the Commission. ILGA-Europe and the local organisers, *COC Netherlands*, succeeded in securing substantial funds for the scholarship programme of the Rotterdam conference. Therefore, we encourage activists from ILGA members, especially in economically disadvantaged regions of Europe, to apply for a scholarship. The chances to receive one have never been so good as this year. However, please, act quickly as the official deadline is 7 September.

All the details about these and other activities can be read on the following pages. The successful focus and the promising developments with regard to EU enlargement should not make us forget that there is a Europe even beyond the accession countries. We, therefore, include reports on Serbia and Russia in this issue.

THE EXECUTIVE BOARD

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LGBT rights on the agenda in EU accession negotiations

Exciting developments



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

June saw exciting developments, with striking progress in the joint efforts of members of the European Parliament, ILGA-Europe and its member organisations to get sexual orientation discrimination on the agenda in the EU accession negotiations.

In our May *Newsletter* we described the potential importance of the EU enlargement process for fighting discrimination in the 13 applicant countries. In essence, to qualify for accession, these countries must meet certain basic human rights criteria. But, to take advantage of this, the institutions of the European Union have to be persuaded that sexual orientation discrimination is a serious issue. The potential prizes are big – particularly, forcing governments to repeal discriminatory laws – something we know from other countries can take decades without opportunities such as this.

June was a critical month for the enlargement process: this was the time when the European Com-

mission's Enlargement Directorate-General and the European Parliament were preparing their annual reports on the progress of the applicant countries towards meeting the accession criteria. Two important events were therefore timed for that month:

■ The publication and distribution to EU institutions and applicant country governments of a report by ILGA-Europe summarising discrimination in the accession countries, and of detailed research into discrimination in four countries, Hungary,

Activities of the Platform Enlargement Working Group

ILGA-Europe is actively participating in the working group (WG) on Enlargement of the Platform of European Social NGOs. The WG was set up in February 2001. It commissioned, as one of its first activities, a qualitative study to assess the role, strength and nature of the civil dialogue in the accession countries, between

social NGOs and public bodies, between the NGOs themselves and with organisations at EU level. ILGA-Europe has provided contact details for its members in these countries and encouraged them to participate in the questionnaire survey.

The WG is planning an Enlargement seminar in Brussels on

26 November 2001, which will involve NGO activists from both within the EU and the accession countries. It will provide an opportunity to build links between the EU and social NGOs in the candidate countries. The Enlargement study will be ready for publication by then.

For more details on the Enlargement seminar and the study, please contact the ILGA-Europe office. MV

Poland, Romania and Slovenia.¹

■ A hearing in the European Parliament – “EU Enlargement: A Gay Perspective” – organised by a group of MEPs led by Joke Swiebel (PSE/NL), Michael Cashman (PSE/UK) and Patsy Sörensen (Greens/B). The hearing was preceded by a press conference in the European Parliament on 27 June at which ILGA-Europe board members Tatjana Greif and Nigel Warner presented the findings of the research.²

The hearing itself took place on 28 June, and lasted all day. The morning session involved presentations on two accession countries, Romania and Slovenia, by Adrian Coman (*ACCEPT*, Bucharest) and Tatjana Greif (*ŠKUC-LL*, Ljubljana), with responses and comments by the European Parliament rapporteurs on accession for these countries, Baroness Emma Nicholson (Liberals/UK), and Demetrio Volcic (PSE/I). There were also important speeches by Ms Anna Diamantopoulou, EU Commissioner on Equality, who explicitly thanked ILGA-Europe for all the information collected, and Ms Petra Erler, a member of the cabinet of Enlargement Commissioner Günter Verheugen.

The afternoon session involved a “roundtable” discussion with LGBT representatives from all accession countries, including Cyprus and Malta, commenting on the situation in their countries, and a scoreboard prepared by Hein Verkerk, EP press officer for the Greens, in which the record on LGBT human rights of both the existing member states

¹ The detailed research was carried out by ILGA-Europe member organisations *Hätér Society for Gays and Lesbians in Hungary* – Budapest, *Lambda Warszawa* – Warsaw, *ACCEPT* – Bucharest, *ŠKUC-LL* – Ljubljana, co-ordinated by ILGA-Europe, funded by the *Open Society Institute* in Budapest. All these reports, and a further ILGA-Europe report published in March, entitled “Equality for Lesbians and Gay Men: A Relevant Issue in the EU Accession Process” are available both in print at the IE office or in electronic form at the IE web-site.

² The text of the presentations is published at the ILGA-Europe web-site.

³ The scoreboard can be found at the web-site: <http://people.a2000.nl/hverkerk/Hearingintergroup/>

⁴ There have of course been debates in the European Parliament on reports, most notably the Squarcialupi report in 1984, and the Roth report in 1994.

⁵ The parliaments of Estonia and Lithuania have already voted on new criminal codes providing for the repeal of their

discriminatory laws, however, these new penal codes are not yet in force. On 21 June, the Romanian government issued an ordinance abolishing the notorious Article 200 of the Romanian penal code. This move, however, needs now to be confirmed by both chambers of the Romanian Parliament. All these developments are indications of the real power of the accession process.

⁶ See also ILGA-Europe’s media release, issued on 26 July 2001, at our web-site.

and the accession countries was assessed. It was noteworthy that some member states (particularly Austria and the UK) have a worse record than some of the accession

ing equal opportunities and minorities". She commented that Romania had been called on "time and again" by the Commission to repeal its discriminatory

and its member organisations can work together to produce results immeasurably greater than could be achieved working in isolation. Indeed, the research

Republic, Estonia, Latvia, Lithuania, Malta, and Slovakia. This will enable us to continue to make an issue of sexual orientation discrimination in the EU



Commissioner Anna Diamantopoulou and MEP Joke Swiebel



LGBT representatives from all accession countries were heard

countries.³ See also a short report on the situation in Slovakia in this *Newsletter* on p. 16.

laws, and that Cyprus "still had work to do". Four other countries which still have discriminatory laws (Bulgaria, Hungary, Estonia, and Lithuania⁵) were "being scrutinised".

into discrimination in Hungary, Poland, Romania and Slovenia was received with enthusiasm by representatives of member organisations in other accession countries. There is to be a follow-up project, involving similar research in possibly some seven countries: Bulgaria, the Czech

accession process. And who knows ... maybe together, we will get rid of all discriminatory laws, and persuade accession country governments to take their first steps in fighting for the rights of LGBT people.

So how far have these events succeeded in putting LGBT rights onto the accession negotiations agenda? As far as we can tell, real progress has been made. The hearing itself was a huge success. It was the first ever hearing on LGBT rights in the European Parliament.⁴ It was well attended, with a mixture of MEPs, Commission officials and representatives of the LGBT community, and it created considerable publicity in the Parliament. It was particularly exciting to have so many representatives of LGBT organisations in the accession countries present to

In a subsequent letter to ILGA-Europe, Commissioner Verheugen confirmed that the "principle of elimination of discriminations due to sexual orientation" was among "the principles that new Member States will be expected to accept upon accession", and gave his assurance that "full attention will be brought to the issues raised in the report you have sent me".⁶

All this is a big advance – prior to this year, the Commission has

NIGEL WARNER

Some member states (e.g. Austria and the UK) have a worse record than some of the accession countries

describe the effects of discrimination on them and their communities, and the failure of their governments to take action. It was also very encouraging that the EU Commissioner on Equality took part in person.

made no commitments concerning sexual orientation discrimination in the Enlargement process, and has only addressed it in the annual reports of two countries, Romania and Cyprus.

Just as important, the responses by the Commission were also very positive: speaking for the Enlargement Commissioner, Ms Erler stressed that there was "no flexibility in negotiations regard-

There is much else that is positive about our EU Enlargement campaign. It is exciting to see how ILGA-Europe and pro-LGBT MEPs can work together very constructively. It is also exciting to see how ILGA-Europe

HS und HMS
- zwei Schwestern, ein Ziel -

Die Homosexuelle Selbsthilfe e. V. (HS) wurde 1989 mit dem Ziel gegründet, das Selbstbewusstsein, die Emanzipation und die Handlungsspielräume von Schwulen und Lesben in der Gesellschaft zu stärken.

Im Jahr 1991 wurde mit gleichem Ziel von Prof. Dr. Andreas Meyer-Hanno die Hannchen-Mehrzweck-Stiftung (HMS) als zweites, gemeinnütziges Standbein gegründet.

Die HS unterstützt Projekte, die nicht gemeinnützig sein müssen. Über die Vergabe von Förderungen beschließt die Mitgliederversammlung. Die Stiftung HMS fördert ausschließlich gemeinnützige Projekte. Über die Vergabe entscheidet der Vorstand. Er ist dem Stiftungsbeirat verantwortlich, dem auch drei HS-Vorstände angehören.

Die HS füllt ihren Fond aus den Mitgliederbeiträgen und aus Spenden (steuerlich nicht absetzbar). Das Geld der HMS stammt aus den Zinsen des Stiftungskapitals und aus Spenden (steuerlich absetzbar).

Nähere Informationen erhalten Sie über:

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Immigration and asylum

ILGA-Europe meets with representative of Commissioner Vitorino

In the 1997 Treaty of Amsterdam the European Union embarked upon a plan to establish common rules covering asylum and immigration by 2004. This harmonisation of asylum and immigration law provides a rare opportunity to push for the recognition of the fundamental rights of LGBT people in these areas.

The Commission, which initiates most legislative proposals on behalf of the European Community, is in the process of issuing a series of draft Directives covering the whole range of asylum and immigration subject matter. ILGA-Europe is monitoring these developments closely. As each draft Directive is published, we prepare a position paper analysing the proposal from the perspective of LGBT people, and making recommendations for amendments as appropriate. There are now so many issues on the table that we asked for a meeting with a representative of Commissioner António Vitorino, who as Commissioner for Justice and Home Affairs, is responsible for these areas.

The meeting took place on 16 July 2001, with Jackie Lewis, Kurt Krickler, Nigel Warner and Mette Vadstrup representing ILGA-Europe, and Mr Joaquim Pedro Nunes de Almeida representing Mr Vitorino. There was both good and bad news. Of the many issues we discussed, the three most important were:

■ **Proposal for a Council Directive on the right to family reunification:** this applies mainly to third country nationals (i. e. non-EU nationals) residing in a member state lawfully for at least one year. The Commission's original proposal¹ was for these people to be joined in the European Union by their "spouse, or an unmarried



António Vitorino, Commissioner for Justice and Home Affairs, is responsible for the whole range of asylum and immigration subject matter.

ILGA-Europe met with his representative Joaquim Pedro Nunes de Almeida.

partner living in a durable relationship with the applicant, if the legislation of the Member State concerned treats the situation of unmarried couples as corresponding to that of married couples". ILGA-Europe had proposed that

likely that the whole issue of the recognition of unmarried couples would be left to individual member states, and therefore would not be subject to harmonisation. ILGA-Europe argued that at the very least couples in registered

This harmonisation of asylum and immigration law provides a rare opportunity to push for the recognition of the fundamental rights of LGBT people.

this be strengthened to allow any "spouse or unmarried partner living in a durable relationship with the applicant" to be joined by their partner, whatever the legislation of the member state.² Mr Nunes de Almeida advised that, in the current negotiations between the member states, even the Commission's proposal was meeting with significant opposition.³ This was because of the difficulty of proving whether an unmarried relationship was genuine. It was

partnerships should be treated on the same basis as married couples.

■ **Approximation of rules on recognition and content of refugee status:** a draft Directive on this area is being worked on by the Commission, and is due to be published later this year. ILGA-Europe's objective is to ensure that any common definition of "refugee" includes people persecuted on the grounds of their sexual orientation or gender identity.

Mr Nunes de Almeida assured us that the Commission's draft does include sexual orientation persecution in the definition, and may also include gender identity. This is an excellent start, although a Europe wide campaign will be necessary to ensure that the Commission's definition is retained, and that the Directive itself is approved by the member states.⁴

■ **Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States:** this crucial proposal,⁵ published by the Commission in May 2001, covers the whole question of the free movement of EU citizens within the Union. It therefore raises the question of the "family reunion" of same-sex couples, where one moves to another member state and wishes to be accompanied by her/his partner. The draft Directive uses a formulation similar to that of the draft Directive on family reunion (described above). ILGA-Europe is currently working on a position paper and recommendations, but will certainly be arguing for extensive rights of movement for same-sex couples. Mr Nunes de Almeida felt that there was more possibility here than in the case of family reunion for third country nationals, with member states less concerned about movement within the Union, than with movement from outside the Union.

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¹ COM(1999) 638.

² ILGA-Europe's position paper on this proposal, written by Mark Bell, was sent to Commissioner Vitorino in May 2001 and is available at our web-site.

³ Following consultation with the European Parliament, the Economic and Social Committee and the Committee of the Regions, the Commission amended the

original proposal on 10 October 2000; the document number of the current proposal is COM(2000) 624.

⁴ In the meeting, ILGA-Europe also handed over its position paper on the proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM(2000) 578). This position paper was

again drafted by Mark Bell and is available at our web-site.

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

⁵ COM (2001) 257.

Strengthening co-operation with national movements

ILGA-Europe establishes new co-ordination network

ILGA-Europe's activity programme agreed in its funding contract with the European Commission provides for communication and co-operation with nationally organised member organisations. It is our task to reach out to our member organisations in the EU member states and inform about relevant developments at EU level. And ILGA-Europe needs the input from its members about developments at the national level relevant in the European context to channel information on GLBT issues to the Commission and to formulate joint demands and policies.

Moreover, co-ordinated lobbying both at the national level and at EU level is a crucial pre-condition to achieve progress in our struggle for equality and our fight against discrimination. Most things decided in Brussels need to be agreed by national governments, and have to be implemented by national governments. Therefore, lobbying at national level is as important as at EU level.

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

For this purpose, ILGA-Europe



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

has established an "EU national co-ordination network" made up by one representative of a nationally organised member organisation in each of the 15 Member States. Being aware of national specificities, we followed a flexible approach allowing for example two Belgian reps (one for the Flemish and one for the French speaking community), or two for Italy since there are separate umbrellas for gays and for lesbians.

We approached organisations and individuals with whom we already have had good co-operation and working relations in the past, who have shown interest in European matters and commitment to dedicate time and resources to deal with European issues at national level, and who play a key role in their country, having "access" to their government.

ILGA-Europe has also budgeted annual meetings of this new network. These will allow to discuss

all the issues in a very focused way over a weekend. The first of these meetings took place in Brussels on 14 and 15 July 2001. 16 national reps, expert Robert Wintemute, five board members and our two staff members participated. The representatives from Spain and Luxembourg could not come due to other commitments.

The programme for the weekend addressed many different issues

Co-ordinated lobbying both at the national level and at EU level is crucial to achieve progress

that are currently being debated at EU level such as asylum and immigration, free movement of EU Citizens, EU enlargement and the Community Action Programme to combat discrimination (2001-2006) – see also articles on p. 6, p. 4, and p. 14. In advance of the weekend, national co-ordinators were asked to prepare a written contribution on the state of play in their country regarding the implementation of

the framework directive for equal treatment in employment and occupation. The implementation of this directive is certainly one of the major concerns for the next two years.

As the weekend progressed, various topics were discussed and ideas and strategies for dealing with particular issues were drawn out of the debates. It became clear that all participants were interested in continuing to develop this co-operation.

The final session of the weekend was dedicated to discussing more concretely how the future co-operation can be organised, what working methods should be used, etc. It was also stressed that the national co-ordinators should also link up with other ILGA-Europe member organisations in their country interested in working together with ILGA-Europe. Where possible, national networks could be set up to unite forces and resources.

The report of the meeting sets out a number of action points, which were agreed on during the weekend. Judging from the number of action points, there is a lot of work to be done. The ILGA-Europe EU National Co-ordina-

tion Network will be discussed further at the ILGA European Conference in Rotterdam in October, which will be an opportunity for many of the national co-ordinators to meet again.

ILGA-Europe would like to thank the *Heinrich Böll Foundation* for the financial support they granted to this first meeting of our new network.

Compensating and memorialising Nazi victims

Pink Triangle Coalition

ILGA-Europe is a member of the *Pink Triangle Coalition* – an “international coalition for co-ordinating affairs relating to the Nazi persecution of homosexuals”.¹ The initiative to set up this coalition dates back to 1997 when the Swiss Government, in co-operation with Swiss companies and banks, established the Swiss Humanitarian Fund, fed with 265 million Swiss francs, to be distributed to needy survivors of the Holocaust regardless of the reason for their persecution. The Swiss gay organisation *Pink Cross* got a seat in the advisory board of the Fund, and was trying to spread the information and reach out to gay and lesbian survivors. For that purpose, groups and individuals were contacted who had worked or had experience in compensation issues or even knew gay survivors. In October 1997, a first telephone conference with interested individuals was held. Eleven survivors were finally traced but only seven would accept the money and filed applications to this Swiss fund, each of them later received the equivalent of US \$ 1,300 from the Fund.

Only two months later, an important event was taking place: In December 1997, governments from 23 countries met in London to discuss how to deal with the leftovers of the monies that the so-called Tri-Partite Gold Commission had taken back from the Nazis after World War II. During the war, the Nazi government had stolen gold from the countries, which it occupied, and the US, British and French governments set up this Commission to handle the



Meeting the “special master” in New York: Katherine Acey, Michael Adams, Ralf Dose, Scott Long, Julie Dorf, Kurt Krickler, Gerard Koskovich

redistribution of this money after the war. As a result of the London conference, the International Nazi Persecutee Relief Fund was created. The various governments agreed to pay their shares into this Fund to be used, with their agreement, for earmarked purposes such as the promotion of public education on the Nazi atrocities or the remembrance of those murdered or otherwise persecuted by the Nazis. A representative of the – at that point still informal – coalition was officially in attendance at the conference, and a paper authored by the coalition was published in the official proceedings of the conference.

In February 1998, the coalition was finally formalised at a meeting in Berlin, the name “Pink Triangle Coalition” was chosen. Its mandate is two-fold:

- to ensure representation of the homosexual victims of the Nazis vis-à-vis the various new international funds that have been created with a view to maximising resources for educational projects and ensuring fair distribution of any such resources;² and

- to collect and disseminate information about Nazi persecution of gay men and lesbians with a view to involving other NGOs and facilitating a structured approach.³

Membership in the coalition is limited to international gay and lesbian NGOs and national organisations with particular experience in working on compensation issues or with relationships to the currently existing funds.

The first projects submitted by the PTC were to the Dutch government which rejected them in June 2000. In early 2001, the Dutch government, however, granted almost € 1.6 million, from other funds, for research, documentation and exhibition projects on the Nazi persecution of homosexuals. The UK government also turned down a proposal. In 2000, the US government

¹ The other nine members of the PTC are: *Agudah* (Association of Gay Men, Lesbians, and Bisexuals in Israel); *Homosexuelle Initiative (HOSI) Wien*, Austria; International Association of Lesbian and Gay Children of Holocaust Survivors, USA; International Gay and Lesbian Human Rights Commission (IGLHRC), USA; *Magnus-Hirschfeld-Gesellschaft*, Germany; *Mémorial de la déportation homosexuelle*, France; *Pink Cross*, Switzerland; *Les-*

ben- und Schwulenverband in Deutschland (LSVD), Germany; World Congress of Gay, Lesbian, Bisexual, Transgender Jewish Organizations (WCGLBTJO).

² In 2000, the PTC also sent an official observer to the Washington, D.C. International Conference on Holocaust Era Assets.

³ In February 2000, the PTC, together with the *Heinrich Böll Foundation*, convened a historic, two-day conference

in Berlin, *The Pink Triangle Colloquium*, bringing together scholars, gay survivors of Nazi persecution, human rights activists, and policy makers to raise awareness and present new documentation about the persecution of gay men and lesbians in Nazi Germany. The event drew more than 200 people from Europe and North America.

⁴ This one is different from the Swiss Humanitarian Fund mentioned in the first paragraph.

allocated, from its \$ 25 million portion of the International Nazi Persecutee Relief Fund, \$ 70,000 for the PTC to redistribute to the seven gay survivors mentioned above and for a Berlin-based research project to help uncover additional survivors.

In May 2001, the PTC received its so far largest allocation: \$ 528,000, again from the US share of the Fund. This amount is being distributed to one international and two projects in Germany. One project will ensure that a recent documentary film by Academy Award-winning directors Rob Epstein and Jeffrey Friedman, *Paragraph 175*, will be seen and discussed around the world (www.tellingpix.com). A second project will create a “virtual” and real memorial to those killed as well as to institutions destroyed by the Nazis – this will be in the form of a museum exhibition at the Gay Museum in Berlin (www.schwulesmuseum.de), a CD-ROM and an internet site for educational uses. A third project will publish a memorial book with the names of gay men and lesbians in Berlin who were murdered by the Nazis. The two German projects will be carried out by the *Magnus-Hirschfeld-Gesellschaft* (me.in-berlin.de/~hirschfeld/).

Also this year, € 65,000 could be secured from the Austrian € 7.92 million portion of the International Nazi Persecutee Relief Fund for two gay/lesbian projects, one being the exhibition in Vienna mentioned on p. 10.

Swiss Banks Litigation

After a class action lawsuit had been filed against Swiss banks, centred around the allegation that they failed to return more than 50,000 bank accounts that belonged to victims of the Nazis, these banks agreed to pay US \$ 1.25 billion to end the lawsuit. This settlement, known as the Holocaust Victim Assets Litigation,⁴ also provides for compensation for the banks’ unjust enrichment from the assets the Nazis looted from victims or

derived from slave labour. The settlement has since been administered by a US court in New York.

In 1999 victims were asked to come forward with their individual claims. PTC members also spread the information. In addition, in February 2000, the PTC submitted a proposal for a so-called *cy pres* allocation, drafted by ILGA-Europe treasurer Nigel Warner. Since only very few gay and lesbian survivors are still alive, the PTC was asking, on behalf of this victim group, for one per cent of the sum and proposed to set up a foundation which then would distribute the money to support specific activities.

This June, the PTC learned that far fewer individuals than predicted (however over a dozen homosexual victims) had submitted claims under this litigation. Therefore, the remaining amount of money is much higher than expected, and now needs to be distributed in the form of *cy pres* allocations to groups representing the victim groups. The PTC was also told that its application needed to be amended with additional documentation. Morris Ratner, a specialised attorney consulted by the PTC, also believed that the “special master”, appointed by the court in New York to make recommendations about dispersing the remaining money, would look more favourably upon a proposal where the funds would go to an existing organisation. The PTC, therefore, decided to find an existing foundation that would co-operate in this matter and to amend its proposal accordingly, and to ask the special master for a meeting. The New York-based Astraea Lesbian Action Foundation agreed to “host” the fund if the PTC was successful with its proposal. Jaime Balboa and Todd Presner redrafted the proposal. On 9 August 2001 seven PTC representatives met with special master Judah Gribetz in his office in New York to present the pro-



100,000 homosexuals were tracked and pursued by the Nazis, 50,000 arrested and convicted, around 10,000 sent to concentration camps where more than half perished

posal and substantiate the reasons for it in a personal conversation. The delegation was made up by Julie Dorf and Scott Long from the San Francisco-based IGLHRC, Ralf Dose from the *Magnus-Hirschfeld-Gesellschaft*, Gerard Koskovich, representing the *Mémorial de la déportation homosexuelle*, Kurt Krickler, representing both *HOSI Wien* and ILGA-Europe, Katherine Acey from the Astraea Foundation, and Michael Adams from the Lambda Legal Defense and Education Fund in New York that also organised the public relations around this event and the press conference afterwards. Morris Ratner attended by phone.

Mr Gribetz will now make his recommendations to the court whose decision can be expected next year. If the special master does not include the PTC proposal in his recommendations to the court – there is no indication

to assume this, however –, the PTC could still file its submission directly to the court.

The PTC proposed to use the money for four goals: providing material assistance to gay and lesbian survivors; supporting scholarly research; promoting education and awareness raising, including public monuments; advancing efforts to prevent anti-homosexual persecution throughout the world today.

If the PTC proposal is successful and one per cent of the remaining Swiss bank litigation money is granted as a *cy pres* allocation, this would be the largest single amount ever available for the gay and lesbian cause.

KURT KRICKLER

Relevant web-sites:

Web info on the PTC, additional background information (including on various projects funded by grants from the International Nazi Persecutee Relief Fund) at:
<http://www.iglhrc.org/issues/nazi/index.html>

Extensive web bibliography on the topic at:
http://members.aol.com/dalembert/igbt_history/nazi_biblio.html

Information on existing funds for Nazi victims, including gays and lesbians:
www.swissbankclaims.com
www.compensation-for-forced-labour.org
www.iom.int

recent activities

Meeting with the Belgian EU Presidency

On 8 June ILGA-Europe co-chairs Jackie Lewis and Kurt Krickler met with representatives of the Belgian EU Presidency in the Foreign Ministry in Brussels. Interlocutors were Raoul Delcorde, head of the European Integration Service, and his colleague Frank Duhamel; Michel Pasteel and Jackie van Damme representing the Ministry for Employment and Equal Opportunities; and Dirk De Meirleir who is working in the Belgian Centre for Equal Opportunities and Anti-Racism. The main topics discussed were EU enlargement, the various pro-

posals for Directives in the area of immigration and asylum that are in the pipeline at the moment (see article on p. 6), the annual EU Human Rights Discussion Forum and Report which will be prepared by the Belgian Presidency for the end of this year. In addition ILGA-Europe extended an invitation to the Presidency to address its annual conference in Rotterdam. After the meeting, ILGA-Europe continued to convey information in various contexts, such as our comprehensive reports on the accession countries.

OSCE meeting

On 19 June, Kurt Krickler attended the so-called Supplementary Human Dimension Meeting of the Organization for Security and Co-operation in Europe (OSCE), held in Vienna, to discuss how to better promote tolerance and non-discrimination in the OSCE area. He intervened in the workshop debate highlighting sexual orientation discrimi-

nation, and presented as a topical example of intolerance against gays and lesbians an incident that had happened just a couple of days before the meeting. Austrian ILGA member *HOSI Wien* had mounted, as a contribution to the *Europride* festival, an open-air exhibition on the Nazi persecution of homosexuals in Vienna in 1938-45. The night before its

official opening, the exhibition had been heavily vandalised. *HOSI Wien* facilitated its immediate repair and Kurt Krickler invited the OSCE delegates to visit the exhibition as it was just across the *Hofburg* conference centre, on the *Heldenplatz*. Also the delegate from Canada raised the topic of sexual orientation

discrimination, and finally it was mentioned in all three workshops reports delivered to the plenary. The full report of the meeting will be available on the web-site of OSCE's Office for Democratic Institutions and Human Rights (ODIHR): www.osce.org/odihr.

Summer activities

At the end of July, French ILGA-Europe board member Isabelle Cruette spent a week at the *Université d'été euroméditerranéenne des homosexualités* in Marseilles where she networked in particular with participants from the Mediterranean region, and with Rafael Barca, *amnesty international's* campaign officer on LGBT issues.

On 6 August, Kurt Krickler was invited to participate in a round table discussion at the Budapest *Pepsi Sziget Festival* on the Óbuda Island in the Danube. The debate with several Hungarian lesbian and gay activists and Robert Lacombe, vice-director of the *Institut Français* in Budapest, dealt with the LGBT movement as part of civil society and the experiences of the various Hungarian LGBT groups and activists

in this context. The meeting followed up on a scandal which the mayor of the Óbuda district caused through forcing the Pepsi Island Festival organisers to sign a contract providing for the banning of all gay and lesbian activities and information material from the festival. After strong protests and support, including from the Head of the Delegation of the European Commission to Hungary, Michael Lake, the organisers declared the contract nil, and inflicted a major defeat to the mayor. Lake was also the main patron of the *Magic Mirror Tent* which the LGBT groups used for their seven-day music, literature, film, cabaret and public debate programme making the tent one of the most popular spots of the whole festival.

KK

SOLIDAR project

As reported in our last *Newsletter*, ILGA-Europe is participating as expert in the SOLIDAR project *Non-discriminatory access to services provided by the voluntary sector: Promoting best practice*. SOLIDAR is an independent alliance of social welfare, life-long learning, development and humanitarian aid NGOs, the project is concerned with assessing the anti-discrimination practice of four of its members: *Arbeiterwohlfahrt-Bundesverband* (Germany), *Volkshilfe Österreich* (Austria), *Lega Provinciale Cooperative Bolzano* (Italy),

and the *Ligue française de l'enseignement et de l'éducation permanente* (France).

After a first seminar in Bolzano on 7 May with the *Lega Cooperative*, the Austrian *Volkshilfe* held its seminar in Vienna on 25 June. ILGA-Europe was represented by Nico J. Beger. Although there was not a high number of participants, the *Volkshilfe* was represented by its highest officials. The issues presented by the participating experts (from ENAR, ILGA-Europe, Euro-Link Age, Unison, *amnesty international*) were

heard and discussed with seriousness from the side of the *Volkshilfe*. ILGA-Europe suggested the implementation of a discrimination work group within the *Volkshilfe* that not only assessed all services and publications of the *Volkshilfe* in terms of their inclusiveness, but would also work on developing good employment practices within the *Volkshilfe* to assure more diversity in its staff and create a working environment that stands as an example for the kind of out-reaching services the *Volkshilfe* wants to provide. This sug-

gestion was picked up by the president of the *Volkshilfe* who promised to implement such a work group during the summer of 2001. While the seminars with the service providers are only a drop on a very hot stone, ILGA-Europe considers this project – and the project planned to follow-up this one – a successful step in the right direction of implementing diversity and anti-discrimination. The next seminar will be held at the *Arbeiterwohlfahrt* Germany in Bonn in September. More info: www.solidar.org.

NB

ILGA-Europe responds to urgent calls for action:

Serbia, Egypt and India

ILGA-Europe can help fight human rights violations both inside and outside of Europe in two ways: by trying to persuade institutions of the European Union and the Council of Europe to take up such cases; and by persuading its member organisations across Europe to join campaigns through lobbying their own governments to intervene in particular cases, or through writing protest letters and actions.

In recent weeks we have taken up three urgent calls for action:

Serbia

As many will have seen on *Euronews* or other TV channels, Belgrade's first gay pride march on 30 June was brutally attacked by large crowds of nationalist extremists and football hooligans, and a number of participants were injured. Despite advanced warning the police failed to provide adequate protection, and were slow in responding to the situation. These events followed immediately on the 29 June Brussels Donor Conference, at which the



Belgrade's first gay pride march on 30 June was brutally attacked by large crowds of nationalist extremists

“which we can raise with our Yugoslav interlocutors of the continuing need to step up the protection of human rights”. ILGA member organisations were also requested to take up the case.

Patten, and to the Belgian Presidency of the European Council, drawing attention to the EU's commitment to linking its Mediterranean Area development programmes to progress in human rights. ILGA-Europe also endorsed the campaign of *Al-Fatiha*, an organisation of LGBTQ Muslims & Friends, for a day of protest on 15 August (the day scheduled for the start of the trial), and for a boycott of Egyptian tourism.

material. The staff were charged with, inter alia, conspiring to commit “unnatural sexual acts” under Section 377 of the Indian Penal Code (IPC) (which makes illegal sexual acts between men), read with Sections 120b (conspiracy) and 109 (abet) of the IPC. At the request of the *Naz Foundation* ILGA-Europe has asked member organisations to approach Europe-based foundations supporting the fights against HIV/AIDS in India, with the objective of enlisting their support.

On August 16 and 17, in two separate hearings, the Lucknow branch of the Allahabad High Court granted bail to the four

55 gay men were arrested by the Egypt police and are likely to have been subjected to torture

European Union pledged some € 530 million of aid to Yugoslavia conditional upon compliance with generally respected standards of human and minority rights. ILGA-Europe immediately wrote to the EU Commissioner for External Relations, Chris Patten, drawing his attention to the failure of the Yugoslav authorities to respect the conditions of the Brussels Donor Conference and to the Yugoslav Minister of the Interior, Dušan Mihajlović. Patten's Chief of Cabinet thanked ILGA-Europe for the information, saying that it is an example

Egypt

In May 55 gay men taking part in a disco were arrested. On 18 July, 52 of these men were charged in a state security court with “obscene behaviour” and “expressing contempt for religion”. They had been held in prison since the arrest, and there were serious grounds for believing that they had been subjected to torture and degrading treatment. ILGA-Europe immediately alerted its members to the case, and in July wrote to both Chris

India

On 7 July police in Lucknow

The offices of two Indian organisations working in the field of HIV/AIDS were raided and the staff arrested

raided the offices of two organisations working in the field of HIV/AIDS, the *Bharosa Trust* and *Naz Foundation International*, arresting the staff, and seizing educational and prevention

HIV/AIDS workers held in prison since their arrest. The trial, however, will continue.

European Parliament

Human rights reports 2000 support LGBT equality

On 5 July 2001, the European Parliament in Strasbourg debated and adopted its annual report and resolution on the respect of fundamental rights in the European Union (A5-0223/2001), drafted by French conservative MEP Thierry Cornillet.

In sub-chapters “Discrimination on the basis of sexual orientation” and “Non-marital relationships”, the Parliament adopted seven recommendations to the member states, including to repeal anti-homosexual legislation and to release all prisoners jailed on the basis of such provisions. As in previous resolutions of the Parliament, Austria was especially mentioned. The EP also calls upon member states to prohibit sexual orientation discrimination under criminal or civil law, and to not give their consent to the accession of any country that has discriminatory laws against homosexuals, such as Romania. And finally, the Par-



The European Parliament in Strasbourg called upon Member States to prohibit sexual orientation discrimination under criminal or civil law

liament recommends that member states recognise non-marital relationships between persons of the same sex and assign them equal rights (for the full text of the relevant paragraphs, see box on this page).

On the same day the Parliament also adopted its annual report and resolution on the Union’s human rights policy towards third countries (A5-0193), draft-

ed by Finnish Green MEP Matti Wuori. In paragraph 116, under the section on “recommendations on other issues requiring urgent international action”, the Parliament, stressing “that homosexuals are still victims of discrimination, prejudice and denial of their basic human rights in countries all over the world, including some Member States and candidate countries such as Romania”, “calls upon the eighty

countries in the world which still prohibit homosexuality in their domestic law to change this legislation without delay” and “urges those States which impose the death penalty on homosexuals to stop doing so immediately”.

ILGA-Europe had provided the two rapporteurs with extensive information about the situation of lesbians, gays, bisexuals and transgendered people both in the member states and world-wide and stated in a press release issued on 6 July, that “we are very pleased that the rapporteurs have included some of this information and that also some of our specific proposals have been taken up by various political groupings” as a result of our lobbying (the full text of the press release is available at our website). Cornillet also acknowledged ILGA-Europe’s contribution in his report.

KK

EP-Resolution A5-0223/2001

[The European Parliament]

Discrimination on the basis of sexual orientation

79. Recommends that the Member States include sexual orientation in Additional Protocol No 12 to the European Convention on Human Rights as one of the prohibited grounds for discrimination and extend the terms of reference of the European Commission against Racism and Intolerance to include homophobia based on sexual orientation;
80. Recommends that the Member States repeal all remaining discriminatory legislation concerning homosexuality and release from prison all

persons jailed under such provisions, and calls in particular on Austria - in accordance with the ruling of the European Commission of Human Rights and the numerous appeals issued by the European Parliament - to revise the provisions concerning the age of consent;
81. Recommends that the Member States prohibit discrimination on grounds of sexual orientation and include it as an offence under the criminal or civil law of all Member States, and adopt appropriate employment-law measures to implement Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment

in employment and occupation;
82. Recommends that the Member States introduce legislation in line with Directive 2000/78/EC, which forbids discrimination on the grounds of sexual orientation in access to goods and services, health, housing, education and social protection; notes that to date only eight Member States have equivalent anti-discriminatory legislation;
83. Repeal discriminatory laws against gays and lesbians in criminal codes of current Member States, as well as assuring that they will not ratify any accession of countries which have discriminatory laws against homosexuality, such as

Romania’s Article 200;

Non-marital relationships

84. Recommends that Member States:
(a) amend their legislation in order to recognise non-marital relationships between persons of the same or the opposite sex and assign them equal rights,
(b) put the issue of mutual recognition of legally recognised non-marital relationships on the EU agenda;
85. Recommends that the Member States introduce legislation which prohibits discrimination for long term co-habitants and provides the same judicial protection as for legally married couples;

European Court of Justice:

Not equivalent to marriage

On 31 May, the European Court of Justice (ECJ) in Luxembourg delivered its judgement in Joined Cases C-122/99 P and C-125/99 P, *D. & Sweden v. Council*.¹ The case concerned the refusal by the Council to treat the Swedish same-sex registered partnership of a Council employee as equivalent to a marriage in relation to an employment benefit. D.'s annulment action in the Court of First Instance (CFI) was dismissed on 28 January 1999. Both D. and the Swedish government appealed to the ECJ, and the Danish and Dutch governments intervened on the side of D. Advocate-General (AG) Jean Mischo urged the ECJ to dismiss the appeals of D. and Sweden in his Opinion of 22 February 2001.

The ECJ agreed with the CFI and the AG, and gave five main reasons for dismissing the appeals. First, the provision of the Staff Regulations providing for the payment of a household allowance to a "married official" (of a European Community institution) could not be interpreted as covering an official who had contracted a registered partnership. The ECJ noted that:

■ unregistered same-sex cohabitation (as in *Grant v. South-West Trains*, 1998) was "not necessarily equivalent to a registered partnership under a statutory arrangement" with legal effects "akin to those of marriage" (meaning that *Grant* was not conclusive);

■ "according to the definition generally accepted by the Member States, the term 'marriage' means a union between two persons of the opposite sex"; and

■ "since 1989 an increasing number of Member States have introduced, alongside marriage, statutory arrangements granting legal recognition to various forms of union between partners of the

same sex or of the opposite sex", which arrangements "are regarded in the Member States concerned as being distinct from marriage". The ECJ thus concluded: "the Community judicature cannot interpret the Staff Regulations in such a way that legal situations distinct from marriage are treated in the same way as marriage", given the above-mentioned circumstances and the fact that, "in a limited number of [the 15] Member States, a registered partnership is assimilated, although incompletely, to marriage". (At the time of the judgement, only Denmark, the Netherlands and Sweden had full, almost-identical-to-marriage registered partnership laws; Iceland and Norway are not member states.) The ECJ left the issue of recognition to the EC legislature, stressing that a 1998 request by the Swedish government that the Staff Regulations be amended to expressly provide for the equivalence of marriage and registered partnership had been rejected by the Council and referred to the Commission for study.

Second, this interpretation of the Staff Regulations did not involve any sex discrimination with regard to pay, contrary to Article 141 of the EC Treaty, because a woman with a female partner would have been treated in the same way (the same faulty reasoning as in *Grant*).

Third, this interpretation did not involve any sexual orientation discrimination (potentially prohibited for EC institutions and Member States implementing or derogating from EC law through the unwritten and open-ended "general principle of equal treatment" in EC law), because "it is not the sex of the partner which determines whether the household allowance is granted, but the legal nature of the ties between the official and the partner". The ECJ did not cite Article 13 of the EC Treaty or Article 21 of the non-

MEP Inquiry to Neil Kinnock

As a reaction to the European Court of Justice's (ECJ) final decision in the *Sven Englund* case, a Danish Member of the European Parliament (PSE), Torben Lund, sent a letter to Commissioner Neil Kinnock (responsible for institutional affairs) emphasising that it was disappointing that the EU's own institutions, with the aid of the European Court, enforce discriminatory

attitudes which are contradictory to the wording of the Treaty. Mr Lund asked Commissioner Kinnock when the staff policies could be expected to be changed.

In his answer, Mr Kinnock assured that it was the Commission's intention to implement the principle of treating registered partnerships as legally equivalent to marriages in the case of officials

working in EU institutions. He explained that the Commission at the moment was "analysing the legal and administrative arrangements in the Member States in order to enable us to make specific proposals for the necessary legal changes". And he reassured that all proposals for modification of the Staff Regulations are to be presented later this year.

MEP Inquiry to Guy Verhofstadt

On 2 August, the *European Voice* (# 31) picked up on the *Sven Englund* ruling of the ECJ as well. In a cover story the paper reported that a UK Member of the European Parliament, Baroness Sarah Ludford, had written to the Belgian Prime Minister Guy Verhofstadt, who is currently Presi-

dent of the Council of Ministers. In the letter Baroness Ludford states that it "is unacceptable for the Council to fail to implement equality laws that it rightly enforces in the member states". She argues that if the EU is to be a driving force in the fight against discrimination and pro-

poses legislation such as the recently adopted equal treatment directive, the EU institutions need to set examples. ILGA-Europe co-chair Kurt Krickler was also quoted in the article, finding it amazing that the ECJ had not referred to the EU Charter of Fundamental Rights. MV

binding Charter of Fundamental Rights of the European Union. The latter expressly prohibits sexual orientation discrimination by EC institutions and by Member States when implementing EC law.

Fourth, this interpretation did not violate the general principle of equal treatment as "nature of legal ties" (or implicitly "marital status") discrimination, because the principle "can only apply to persons in comparable situations... The existing situation in the Member States ... as regards recognition of partnerships between persons of the same sex or of the opposite sex reflects a great diversity of laws and the absence of any general assimilation of marriage and other forms of statutory union... In those circumstances, the situation of an official who has registered a partnership ... cannot be held compa-

parable ... to that of a married official." Because comparison was not permitted, the Council did not have to provide any justification for the difference in treatment.

Fifth, this interpretation is not "capable of constituting interference in private and family life within the meaning of Article 8 of the European Convention". Here, the ECJ seems to have focussed on D.'s argument that the Council's notifying Belgian authorities that he was "single" was an interference with his Article 8 rights, rather than on the effect of the denial of the household allowance on his private and family life and the questions: (i) whether he had a "family life", and (ii) whether there was discrimination in relation to his private or family life contrary to Articles 8 and 14 of the Convention. These two questions have never been decided by

¹ D. stands for *Sven Englund*, a Swedish translator employed by the Council, see also *IE Newsletter* # 1, p. 13.

the European Court of Human Rights in Strasbourg, as opposed to the former European Commission of Human Rights, and are now presented in *Karner v. Austria*, Application No. 40016/98, which is pending before the Strasbourg Court.

The ECJ declared inadmissible (because it was only raised on appeal) a sixth argument made by D., that the marriage-only interpretation of the Staff Regulations constitutes nationality discrimination, or an obstacle to the free movement of workers, violating the EC Treaty, i. e., Danish, Dutch and Swedish workers who had registered their partnerships would be deterred from moving to other Member States to work (including to Brussels to work for an EC institution) if their registered partnerships were not treated as equivalent to marriages. Just as *Grant* has been overruled by the combination of a 1997 amendment to the EC Treaty (adding Article 13) and EC legislation under Article 13 prohibiting sexual orientation discrimination with regard to pay and other aspects of employment (Council Directive 2000/78/EC of 27 November 2000), a solution to the problem of non-recognition of registered partnerships by EC institutions and in other member states will probably require new legislation. However, if the EC legislature does not act, and the number of member states with registered partnership laws continues to grow, in a few years another claimant could ask the ECJ to reconsider the arguments made by D., including the free movement argument.

ROBERT WINTEMUTE

Info

This item first appeared in the Summer 2001 *Lesbian/Gay Law Notes*, <http://www.qrd.org/www/usa/legal/lgn>.

The full text of the judgement: <http://europa.eu.int/jurisp/cgi-bin/form.pl?lang=en> (type C-122/99 after "Case number").

ILGA-Europe's 7 June press release on the judgement is available at www.ilga-europe.org.

EU Action Programme to combat discrimination

Commission has pre-selected 71 projects

Under the Community Action Programme to combat discrimination (2001-2006) the European Commission will launch several projects and activities, some of which are open to NGO participation. In March this year, the Commission released a call for proposals for preparatory work to establish transnational actions for the exchange of information and good practice on specific areas of discrimination (VP/2001/12). This proposal was open to a broad variety of national and local actors such as associations, federations, local/regional authorities, universities, and research centres.

The Commission has now pre-selected 71 projects, to start Phase One on October 1, 2001. Phase One will last six months and is the preparatory phase in which the selected project partners will have to develop their project and find other suitable project partners to work with. The Commission will monitor this phase closely, assist and arrange meetings with the project partners. The idea behind Phase One is for the pre-selected project partners (and others that might be interested in getting involved in a specific project) to spend time on developing a work programme, which sets out the activities that are planned for Phase Two. The Commission's funding for Phase One is set to 50,000 and will cover 85 % of the total eligible project cost, the project partners will have to guarantee co-financing for the remaining 15 %.

The Commission will make a definite selection for Phase Two after having reviewed the work programme of the pre-selected (Phase One) projects. The number of Phase Two projects will be

reduced to around 25 projects depending on the Commission's budget and the quality of the projects. The project partners will then have two years time to pursue the activities set out in their work programme. The Commission funding for Phase Two is set to € 175,000 per project

in this extensive Community programme.

For smaller associations and NGOs who would be interested in participating in one of the projects but do not have the capacity to make their own proposals, this is the time to get

This is the time to get involved for smaller associations and NGOs interested in participating

per year, and again the project partners will have to co-finance the remaining 15 %.

Phase Three is a 6-month period, in which the projects that are considered to have most added value at the European level will be funded to market and promote the results of their work.

A transnational exchange project should address discrimination either in two or more of the grounds mentioned in Article 13 or address multiple discrimination, which is seen harder to prove and often appears different in nature to discrimination on a single ground. Alternatively, it can focus on specific characteristics of one of the grounds. Additionally the transnational exchange must consist of partners from three or more EU member states. The transnational exchange project will last over a 3-year period, and it is important that all grounds in Article 13, including sexual orientation, are addressed adequately

involved. The list of the 71 pre-selected projects will be published at the Commission web-site, where the projects will be described and the contact details of the project partners will be available. Additionally, the Commission has set up a partner post box, where interested associations can make themselves known and list their interests/capacities and contact details.

The Commission has scheduled a conference for next October, which will launch the beginning of the transnational projects and put focus on the Action Programme. More information on the conference will be published on the Commission web-site.

The ILGA-Europe office will also be able to provide more information on the Action Programme and the transnational exchange projects and be of assistance with providing information on the projects, partners and the conference in October. MV

Relevant web-sites:

European Commission web-site on anti-discrimination: http://europa.eu.int/comm/employment_social/fundamri/index_en.htm

The partner post box: http://europa.eu.int/comm/employment_social/fundamri/partner_box/index.cfm?LANG=en

Community Action Programme: http://europa.eu.int/comm/employment_social/fundamri/prog/index_en.htm

Calendar for the transnational projects: http://europa.eu.int/comm/employment_social/fundamri/prog/calendar_en.htm

news clips

European parents join fight for equality

The original inspiration of an Italian mother, Paola Dall'Orto, President of AGEDO, came to fruition in Brussels in April 2001 when parents of lesbian daughters and gay sons, representing their national organisations – AGEDO (Italy), BEFAH (Germany), *Contact Français* (France), FFLAG (UK) and TELS QUELS-PEH (Belgium) – signed the Statutes of the new organisation *EuroFLAG, European Families of Lesbians and Gays*.

The national co-ordinator of FFLAG, Jenny Broughton, was elected as the first president of EuroFLAG; and Caroline and Gilles Schaufelberger, of *Contact Français*, were elected vice-presidents.

The aims of EuroFLAG are to:

- Raise public awareness on issues surrounding homosexuality
- Affirm the equal rights of our daughters and sons
- Fight every form of discrimination against lesbian, gay and bisexual peoples and their families

■ Enable lesbian, gay and bisexual young people to grow up in safety and develop a sense of their own worth.

Michael Cashman MEP attended the meeting and pledged his support. "It is an enormous challenge", said Jenny Broughton, "but we believe that a strong parents' organisation can be a force for changing attitudes and a power to challenge prejudice and discrimination and help to bring about equal rights for the LGB community. We have followed Michael Cashman's advice to us: 'Agree the vision' – now we have to put it into practice."

EuroFLAG is planning a project which will gather statistical information from each country on the problems faced by lesbian and gay young people in school, at home and in society.

Contact: FFLAG, Jenny Broughton, 8 Silver Terrace, Exeter EX4 4JE, England; jenny@sw-fflag.freereserve.co.uk

German Registered Partnership law in force

On 1 August 2001, town halls all over Germany were invaded by same-sex couples wishing to have their relationships registered under the new *Lebenspartnerschaftsgesetz* that came into force on that very day. An attempt by three *Länder* (Bavaria, Saxony and Thuringia) to prevent this from happening failed on 18 July when the Federal Constitutional Court dismissed their urgency

motion to suspend the law until the Court would have ruled in the complaint case itself put forward by the three *Länder* which consider the law unconstitutional. Observers take this move as an indication that the Court will approve the law. Had the Court had serious doubts as to the law's constitutionality, it would likely not have dismissed the motion to suspend the law.

Slovene "No" to artificial insemination

In June 2001 a public referendum held in Slovenia resulted in taking away the right to medically assisted artificial insemination from single women, including lesbians.

In summer 2000 the conservative government introduced a bill which did not allow single women to have artificial insemination. Soon after the government changed, and the liberals proposed an amendment eliminating this discrimination against single women. In April 2001 the amended bill was adopted by a majority in Parliament. According to the new law medically assisted artificial insemination was available to all women, regardless of their marital status. The opposition, however, demanded a public referendum to be held.

The referendum took place on 17 June 2001. The active participation of the voters was extremely low – only 35 % of all voters took part in the referendum, of those 72 % were against the new law. This can hardly be considered as a democratic decision. The voters not only denied the right of single women to medically assisted insemination but also the right of infertile couples to artificial insemination with donor sperm.

Before the referendum there were two main public campaigns, "pro" and "contra". The pro-campaign was created by a Committee for Free Choice, under the title "Svobodna.Si" (You are free). It was initiated by several NGOs and other organisations, including the lesbian group *ŠKUC-LL*, intellectuals, academics, respectable people from politics, culture, sport, show business, etc., who united their experience and knowledge to promote the rights of single women.

The campaign consisted of several activities including public

forums and discussions all over the country, developing PR relations and a special web-site, producing a TV spot, jumbo posters, a special booklet and other informational material for the citizens.

Even before the Committee was set up, *ŠKUC-LL* sent an appeal to the national Parliament and to the Ombudsman and called upon them to examine whether such a referendum was in accordance with the constitution. The concerns were also reported to the UN Human Rights Commission.

In the context of the referendum, several important and alarming facts have become evident:

- the citizens of Slovenia were deciding on the human rights of a very marginalised social minority group although human rights never should be subject to a referendum;
- the referendum actually legalised discrimination; women lost rights they had already gained;
- during the public campaign a high level of social intolerance and discriminatory attitudes towards unmarried women, lesbians and women with disabilities was revealed. Lesbian women were consistently used as an example for unsuitable parents. Lesbian mothers were depicted as "mentally ill", "unattractive", "abnormal", "frustrated female animals", and "dangerous for the child"
- the Roman Catholic Church took an active part within the public discussion, opposing the rights of women to free choice. Slovenia is breaking several international conventions which the country has ratified, e. g. the ECHR and the Convention on the Elimination of all Forms of Discrimination against Women.

TATJANA GREIF

Slovakia

Still a long way to go

The meeting of the LGBT activists from accession countries at the recent hearing in the European Parliament (see article on p. 4) was an important experience for lesbians and gays from the accession countries, including Slovakia. Once more we realise that no matter how successful some of us are in achieving law reform, the actual situation in the daily life of LGBT people is still without a remarkable change and stays too similar in all transitional countries.

Discrimination of lesbians and gays in everyday life is frequent and ferocious. Some reasons for the high level of homophobia in Slovak society are conservative rural and religious traditions, the negative myths and prejudices against gay men and lesbian women, and the lack of first hand authentic and visible information about our lives. Discrimination is often half-hidden and sophisticated.

We have also recorded many personal experiences of direct emotional and physical violence against LGBT people. We must emphasise that 11 years after the fall of the totalitarian regime gays and lesbians in Slovakia cannot say they feel safe enough. They continue to live in fear and feel forced to make their "being different" invisible. Coming out in society as well as in families is still met with embarrassed and negative reactions. Among the most common ways of direct discrimination are teasing, contempt, and an open pathologisation. In the work place, lesbians and gays often face exclusion and marginalisation, which is causing isolation and emotional problems. This starts in the families. Too many lesbians and gays in Slovakia hide their sexual orientation from their families. The generally homophobic attitude of parents, teachers, priests, police and authorities is silencing and



The GLBT movement in Bratislava, Slovakia's capital city, is facing resistance by the Christian right and the National Party

discouraging gay and lesbian victims of violence from filing charges, because they do not dare to admit the true nature of offences or violence committed against them openly.

At the moment there are 4 gay and 2 lesbian organisations offi-

been able to act in public and in the media, initiate campaigns for legislative change, promote LGBT rights and inform the public about the situation of sexual minorities in Slovakia. *Iniciatíva Inakost'* has a Charter which, as a political document, is being constantly signed by mainstream

11 years after the fall of the totalitarian regime gays & lesbians in Slovakia cannot say they feel safe enough

cially registered. Except their leaders, all the membership is practically secret. From all our members in the whole country only 4 women and 10 men are completely out.

In May 2000, a group of LGBT activists, mostly from these existing groups, established the *Initiative Difference – Co-existence without Discrimination against Sexual Minorities*. They have

organisations and non-LGBT people supporting the cause.

The major activities of the new Initiative include advocacy for amending the Slovak Constitution to ban discrimination based on sexual orientation and drafting a proposal for a Registered Partnership law. This is the third attempt since 1997 to introduce such legislation. The new bill provides also for parental rights

concerning the biological children of the partners, but no right to adoption. Parliament is supposed to discuss the proposal this autumn. Other activities are targeted at the media and the general public.

These activities were met with negative reactions from the conservative and religious part of the society. The idea of homosexuality as a curable illness was intensively promoted by Christian politicians in media, especially in the Christian oriented programmes on state TV channel 2. After one year of continuous attacks of the Christian right, circles near to the Slovak National Party have started a campaign about the potential threat to children caused by the presence of homosexual school teachers. This was a reaction to the movement's recent appeal to the Parliament to recognise equal rights for homosexuals in the Code of Labour and Civil Service. Thus, the idea of the protection of children and youth against homosexual teachers as dangerous for "transmitting" homosexuality and influencing young people seems to be the newest strategy in fighting sexual minorities in Slovakia. There is still a long way to go even though all discriminatory provisions in the penal code have been repealed.

ANNA DAUCÍKOVÁ
Spokesperson of *Iniciatíva Inakost'*

Forthcoming event

Preparing for the International AIDS conference in Barcelona

Net2002 from Barcelona, Spain is inviting HIV/AIDS organisations from the Mediterranean countries to a Mediterranean Community Meeting in Barcelona, October 4-7, 2001. The meeting will be a preparatory gathering in order to

get input and help organise the community programme of the next International AIDS Conference in Barcelona in July 2002.

Please read the call for applications at <http://www.red2002.org/>

[en/welcome.html](#) and distribute widely among your local organisations. There are also some scholarships for travel expenses.

Russia

Dictatorship of homophobes?

Looking back, the period of Yeltsin's rule will probably be considered as the most liberal times. The 1990s started off well. Simultaneously with the decade's birth, the dawn of the Russian gay movement began. The first legal gay paper appeared. Later, on the heels of the failed communist riot (the famous putsch), gay organisations and other gay publications came into being. Up to 1992, I was a staff member of the All-Union Centre for AIDS Prevention. It was this job that prompted me to launch a magazine for gay people named "1/10". Daily I was confronted with the deplorable situation of people with HIV, both gay and heterosexual.

Our basic challenge was the struggle against discrimination of gay people and people with HIV. May 1993 saw a major event – President Yeltsin, considering amendments to the criminal code of the Russian Federation, repealed Article 121.1 which banned sexual relations between men. This was partly our victory too. The editorial staff of "1/10" alone sent eight petitions to the President demanding the repeal of this article. I wrote then, including in the French *Libération* and in more than ten Russian periodicals: *So what will the changes be after the notorious article gets repealed? None! Almost. The only improvement will be the possibility to make HIV prevention more effective. At the same time one does not have to be a hardened realist to understand that the repeal of the article has not in the least changed society's attitude toward sexual minorities. Alas, no decree of the President is able to raise the low cultural level of the majority of our fellow citizens. Hence in the eyes of society homosexuality was and still is deviant and delinquent... And so homophobia is blooming powerfully, homophobia that is aggressive and raging especially in the*



In Moscow police is harassing, humiliating and mistreating visitors of gay clubs

province. These lines were written in the summer of 1993, yet they fully apply to present day life.

Incidents of repression by authorities and the law enforcement bodies take place more frequently. Here are the lines from a letter by Valery Klimov, a gay activist from Nizhny Tagil in the Sverdlovsk region: *Over one hundred (!) gay men who had never before had any problems with the law were taken to the police stations. Their only thing they were guilty of was that they were known as gays. By means of blackmail and threats the policemen took their fingerprints and pictures, and tried to force many of them to co-operate with the police, to be informants. On local TV a representative of the Tagil police, Mr. Nikelberg, stated that in the near future about 400 homosexuals*

would be summoned with the aim of discovering potential maniacs and killers amongst them. It is no secret to anyone in Moscow that quite a few traitors work for KGB and the police as informants.

Incidents of repression by authorities and the law enforcement bodies take place more frequently

Does this not remind us of 1937?

In Moscow, the police wearing masks and machine guns burst into the gay club "Chance" and, brutally beating everyone, drove many people in an unknown direction. They made the impression of being on drugs or drunk because their behaviour was clearly not normal. Here is evidence of some victims: *On that day 11 persons (including myself) were brought to the 70th police station and locked in the insula-*

tion room. They did not allow us to go to the toilet and gave us neither food nor water.

■ *I was about to leave when I heard someone crying. I had no time to react as I was hit hard on the back and fell down. Someone took hold of my head and hit it against the wall. People in uniform asked me whether I wanted to get some more of this. I kept silent. Nearby a man was lying with a gun held above his head.*

■ *They were beating and threatening us continuously, then they took us into a room, put us against the wall with hands behind the head. In this position we stood for about four hours. All this time masked people were walking around us and beating us on the back, neck and kidneys. They also insulted us and pressured us psychologically.*

■ *When one of the boys, unable to stand at the wall any longer, fell down, a few people ran up and hit him five or six times. I cannot forget this.*

■ *I heard one policeman say answering the question concerning our destination: "We are clearing the town of you crud, gays and lesbians, we are taking you to the fields to shoot you." You can imagine the condition of the people in the bus.*

■ *Someone was shouting that "power has changed hands and you, stinkers, must be put into a*

furnace and burnt". I heard this myself.

No one handed in a complaint to the procurator: They stand for each other there. There is no guarantee that you would not be imprisoned on the basis of your own complaint.

There are countless examples. I can add that one of the reasons for me moving to the Czech Republic in late 1995 was this feeling of total defencelessness towards the arbitrary rule of

Russian law enforcement bodies. No one is willing to seek legal or psychological advice for fear of publicity and blackmail. I am not aware of any specialised service in Russia for those who belong to sexual minorities. Six years ago attempts were made to create a community-based centre to assist and serve gays and lesbians under the auspices of the "Triangle" association in Moscow. Sadly, "Triangle" ceased to exist way too soon due to lack of resources. And then, by the end of the century, all gay publications and active organisations vanished into thin air.

Here is a truly prophetic letter that I received back in 1998: *Before the repeal of Article 121.1 we all had been pressed by the fact that we were criminals and hence very vulnerable. Now the pressure is of a different kind. We seem to be clean before the law, but as it turns out we have become even more defenceless as lawlessness is reigning in this country. There are still lot of cases of blackmail, but while formerly it was the business of tough guys, now it is the police who are into it. While formerly gays did not seek protection from the police only due to the fact that they were treated as illegal ele-*

ments themselves, now there is no protection left whatsoever. Since the times of the putsch the situation has changed, and the change paradoxically has been negative

"While we are looking through your publications, you'll wait in the cell with criminals."

and powerful. And, speaking in medical terms, the prognosis is far from favourable. Andrei, Moscow.

Unwittingly, the author of this letter turned out to be clairvoyant. On May 7, 2000 (which was symbolic – on the day of Vladimir Putin's inauguration) the police came to my home (I had just come to Moscow from Prague for a week) and confiscated all publications, the archive and other things. I spent half a day at the glorious Petrovka, 38 (Moscow Criminal Investigation Department) where I was interrogated. Then I was told in plain terms (surely not to be recorded): "While we are looking through your publications, you'll wait in the cell with criminals. It's highly unlikely you'll get back alive or at least in good condition." I was released, but they took away my Russian passport and assured me that I would be back at their place some day.

Luckily, I managed to retain my passport for travelling abroad, and the next day I was beyond the borders of Russia. I was followed by those who helped me in

my work in the gay and lesbian movement starting in 1991.

During his election campaign Mr Putin promised to impose the "dictatorship of law". It seems to me that with time only the first word of this combination remains valid. Often I hear that we, gays, lesbians and bisexuals, are to be isolated on an island. Yes, I always reply, give us this island! Don't give the Kuril Islands to the Japanese, give them to us, LGBT people! And we will at last be able to sigh with relief, getting away from your "democracy"!

And to top this off, here is a letter from a reader of "1/10", but I am ready to put my signature

under it as well: *I hate this country, because during my entire life I've been living with the fear that someone might shout "faggot" at me and hit me in the face. And I am physically unable to hit back, I am unable and afraid, and I hate my fear. I hate this country as I am afraid of leaving it. I am not sure I would be able to live in another country – I was made like this by the life here. My best moments took place here, in this country which I hate. I try not to think about bad things, I enjoy small joys, try to distract myself, but this country humiliates me over and over again, forcing me to hate it. In this land I am defenceless before everyone: the hoodlum scum, the police, authorities, neighbours, the narrow-minded public and scornfully condescending intelligentsia... Oh Lord, give me enough strength not to hate the country I so much love! – V. A., Moscow.*

DMITRI LYTCHEV

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More information on LGBT Russia at the following web-site: www.gay.ru



Report on Lesbian and Gay People in Candidate Countries to EU Membership

ILGA-Europe's report on the situation of lesbians and gay men in the candidate countries is still available from the office in Brussels. It is part of the project "Lesbian and Gay People in Candidate Countries to EU Membership" which received financial support from the *Open Society Institute* (Budapest).

All 13 accession countries are represented with individual reports. A further chapter presents the European Union's legislation and policies that are relevant to the rights of lesbians and gays in the accession countries.

This report is a response to the lack of accurate information about the status

of lesbian and gay citizens in these countries. In filling this gap, it provides a concrete step towards the identification of areas in need of reform, and points to the strategies available for improving the situation of lesbian women, gay men, bisexuals and transgendered (LGBT) people in the accession countries.

Order it now from the ILGA-Europe office.

Vienna, June 2001

ILGA-Europe at Europride



Panel 1: Joke Swiebel, Harald Trettenbrein, Mark Bell, Cathal Kelly, Kurt Krickler, Sarah Ludford



Panel 2: Joke Swiebel, Kees Waaldijk, Ulrike Lunacek, Cathal Kelly, Wolf Szymanski, Sarah Ludford

At the *Europride 2001* festival in Vienna, ILGA-Europe co-organised a one-day colloquium, “Lesbians and Gay Men and the European Union”, on Sunday, 24 June, in co-operation with its Austrian member *HOSI Wien*, the City of Vienna’s Anti-Discrimination Unit for Same-Sex Life-styles and the local Europride organiser, *CSD Wien*. The event at Vienna City Hall was opened by city councillor Renate Brauner. MEPs Joke Swiebel (PSE/NL) and Baroness Sarah Ludford (Liberals/UK) debated on two panels with experts Mark Bell and Kees Waaldijk, Harald Trettenbrein from the Representation of the European Commission in Austria, Ulrike Lunacek, openly lesbian member of the Austrian Federal Parliament, Wolf Szymanski from the Austrian Ministry of the Interior, and ILGA-Europe co-chair Kurt

Krickler. Topics discussed by the first panel included: What opportunities does the European Union offer for combating discrimination on the ground of sexual orientation, what initiatives have been taken in the past, and in which areas, what are the plans for the future, and what is the significance of EU enlargement for gays and lesbians in the accession countries? The second panel debated the recognition of same-sex partnerships and marriages as a challenge for the European Union as more and more EU member states are adopting registered partnership legislation or even opening up full civil marriage for same-sex couples. What implications does this have for the right to free movement of these couples within the EU? Both panels were facilitated by Irish gay activist Cathal Kelly.



Joke Swiebel



re in



Harald Trettenbrein



SARAH LUDFORD



Kurt Krickler



Kees Waaldijk



Ulrike Lunacek



Wolf Szymanski



ILGA-Europe's flag on HOSI Wien's float at Europride Parade

ILGA-Europe was also present at the huge Europride parade on the *Ringstraße* on 30 June which gathered a quarter million people.

The float of HOSI Wien was decorated with the new ILGA-Europe flag.

ANNUAL CONFERENCE AT ROTTERDAM 24-28 October 2001



Plans for the annual conference at Rotterdam (hosted by the Dutch national organisation *COC*) are well-developed, and preliminary conference programmes and timetables have been published at the conference web-site, www.ilgaeurope2001.org.

The programme addresses a wide range of issues, and should prove very stimulating for anyone interested in the development of LGBT rights in Europe, and in working for LGBT rights at the European level. The programme of workshops covers three main areas:

- ▶ Key elements of ILGA-Europe's programme of work at the European Union

- ▶ The legal recognition of same-sex relationships – a whole day will be devoted to different aspects of this
- ▶ The sharing of the results of successful European level anti-discrimination projects.

There are also workshops on bisexuality and transgender issues. The Conference will also deal with a number of procedural issues, such as the approval of the annual Work Programme, and the election of the Board.

There will be two pre-conference events on 24 October, a Trade Union conference, and a seminar on community-based working, arranged by the *Schorer Stichting*.

The Conference will open on the evening on Wednesday, 24 October with a reception in Rotterdam City Hall. There will also be a boat trip with dinner on the Maas river, a guided tour of Rotterdam, and a full programme of social and cultural events.

Scholarship applicants are reminded that the deadline for scholarship applications is 7 September. To find out who qualifies for scholarships, and to complete the scholarships/registration form, visit the conference web-site, www.ilgaeurope2001.org.