

28. July 1992

E U R O - L E T T E R n o . 7

This Euroletter contains an update after the Annual Meeting of ILGA in Paris. The minutes of the two European regional workshops are integrated in the letter.

The two working parties by now consists of the following groups:

1. The Council of Europe/CSCE working party:

GLF, Cologne
HOSI Wien, Austria
COC, The Netherlands
Stonewall Group, UK
Rechtskomitee Lambda, Austria
RFSL, Sweden
DNF-48, Norway
SETA, Finland
LBL, Denmark (Coordinator)

Since two Austrian groups are members of the working party, it was decided that HOSI Wien remains being the contact to Austrian authorities.

The tasks of this working party was set out at the European regional meeting of ILGA in Copenhagen december 1990:

- a Lobbying in relation to the proposed protocol to The European Convention of Human Rights and NGO status for ILGA in relation to the Council of Europe.
- b Influencing the CoE so that the council will also consider lesbian and gay rights when assessing whether countries in central and eastern Europe can join CoE.
- c Influencing the CoE in respect to the drafting of model aids legislation.
- d Trying to get gay and lesbian rights recognised as a part of the human dimension of the CSCE-process.

2. The EC working party:

CG-L, Spain
SETA, Finland
gpl, France
SVD, Germany
GLEN, Ireland
Homostudies, The Netherlands
COC, The Netherlands
RFSL, Sweden

DNF-48, Norway
Rechtskomitee Lambda, Austria
HOSI Wien, Austria
ILGA Information Secretariat
Stonewall Group, UK (co-coordinator)
LBL, Denmark (co-coordinator)

The guidelines for ILGAs work towards the EC was passed at the Stockholm conference and has been confirmed at the Copenhagen conference and at the Berlin conference. The guidelines for the work are these:

"The ILGA has the responsibility of defending and promoting the needs of lesbians and gay men wherever and whenever possible, within the current powers of the EC institutions. Thus, if directives or recommendations emanating from the Commission, or Parliamentary reports or resolutions, are not sensitive to the needs of lesbians and gay men, or if any EC institution is failing to make use of its powers relating to lesbian and gay rights, the ILGA must speak and act. The role of the ILGA is to work actively to ensure protection and development of the rights of lesbians and gay men also within the EC. The ILGAs remit covers only lesbian and gay rights and thus the ILGA cannot campaign on the general issues of expansion of EC powers or harmonisation of social policies between EC states."

The Euroletters are sent out regularly by the LBL to members of both working parties and several other people. The Euroletters are the main means of communication for the working parties between conferences.

Members of the working parties (and other) should report to LBL and we will see to the spread of information through the Euroletters.

A. Council of Europe Business

- 1) **Additional protocol to the European Convention on Human Rights (prohibiting discrimination based on sexual orientation).**

Minutes from the CoE/CSCE workshop in Paris:

"The protocol was agreed at a May 1990 study conference in Copenhagen. A resolution urging adoption of the protocol has been forward in the Parliamentary Assembly of the CoE, but seems to be stuck in the legal committee of the Parliamentary Assembly. Several people reported on their contacts with their national members of the Parliamentary Assembly or the legal committee. Some members had not heard of the resolution. It was agreed that the resolution and the protocol need to be revived and that the groups in the CoE working party should contact their national members of the Parliamentary Assembly who are in the legal committee (names to be provided by the Euroletter)."

The names will be sent out with the next Euroletter.

- 2) **NGO status of ILGA to the Council of Europe**
Minutes from the CoE/CSCE workshop in Paris:
"ILGAs application has been rejected twice. It was decided at the Berlin conference (Dec. 1991) to have a member of the Parliamentary Assembly raise this matter with the secretary general of the CoE. No report back has been received yet. It was agreed that the CoE working party groups should contact their national members of the Parliamentary Assembly about this (any reason for rejection to be provided in Euroletter)."

Copies of the correspondence are enclosed (the application and three letters).

- 3) **Lesbian and gay rights in Central- and Eastern European countries applying for membership of the Council of Europe**
Minutes from the CoE/CSCE workshop in Paris:
"Central and Eastern European countries are now joining the CoE. Hungary, Czechoslovakia, Poland and, most recently, Bulgaria have joined. ILGA wants the CoE to consider each applicant's laws relating to gay and lesbian rights and in particular to make compliance with the Dudgeon and Norris judgements of the European Court of Human Rights (i.e. no total ban on sexual activity between men or between women) a condition of CoE membership. Such a condition could influence countries with total bans (e.g. Rumania) that wants to join the CoE. An attempt to raise this issue with the CoE Directorate of Human Rights has not been successful. An Austrian member of the Parliamentary Assembly (Mrs. Graenietz) is willing to put forward a written question in the Parliamentary Assembly (in the autumn of 1992) that would serve as a reminder that gay/lesbian rights must be considered when new members apply. It was agreed that national members of the Parliamentary Assembly should be informed of the laws in Eastern Europe and that Alexandra Dudas description of these laws (as amended by Helmuth Graupner) should be included in the Euroletter."

The amendments by Helmuth are mentioned in the enclosed letter from Rechtskomitee Lambda, part III. I suggest that Alexandra Duda goes through these amendments and send a new copy of her description to be included in the next Euroletter to be used by the working party as agreed.

- 4) **Council of Europe model aids legislation**
After it has been expected that The Standing Committee on Human Rights would initiate a study on how to combat health related discrimination in general, it was decided in October 1991 that the study should

only deal with aids/hiv related discrimination. The Swiss Institute of Comparative Law has been asked to carry out the study, and the report is due to come out this autumn.

The contact person in the institute is Anne-Sophie Rieben, Swiss Institute of Comparative Law, Dorigny, CH-1015 Lausanne; tel. + 41 21 692 4311, fax. + 41 21 692 4343.

5) **News from Europe**

Minutes from the CoE/CSCE workshop in Paris:

"It was agreed that groups in the CoE working party should send copies of GLEN's letter regarding the Irish government's decision to delay further a change in Irish law to comply with Norris to their national members of the Parliamentary Assembly and should contact their foreign ministers to put pressure on Ireland, and on UK to change the law in Gibraltar, which could happen soon if the local council will take the decision (the UK governments preference). A potential applicant to Strasbourg has been located in Gibraltar. The law of the Isle of Man was changed in June 1992. Thanks to all for their support. ILGA's application to intervene in Modinos (the European Commission on Human Right case on the law in Cyprus) was rejected."

The letter from GLEN is enclosed.

"The CoE is preparing a European Convention on the Rights of the Child, which may have an anti-discrimination provision. Helmuth Grauphner will get information."

The European Commission on Human Rights has rejected a complaint against discriminating age of consent in Austria. See part I - II of the letter from Rechtskomitee Lambda. The decision of the commission is not enclosed but can be obtained from either Helmuth or me.

A report on a meeting with CoE officials from Alexandra Duda is enclosed. Alexandra asks whether the CoE recommendation 924 from 1981 ever has been adopted by the Committee of Ministers. It has not.

A report from Kurt Krickler is enclosed. Please be aware of the UN conference on human rights in June 1993.

B. The CSCE - CHD process

Minutes from the CoE/CSCE workshop in Paris:

"A working group (Alexandra Duda, Wolfgang Hülsmann, Jukka Lehtonen, Mika Torvinen, Kurt Krickler and John

Clark) lobbied national delegations at the CSCE meeting in Helsinki seeking support for inclusion of sexual orientation in the anti-discrimination language of the conference's final document. They and Hans Hjerpekjøn of Norway were thanked for their efforts. They were unsuccessful in the end in spite of Norway's support because of opposition from the USA and the UK, in particular. (The USA has a specific objection to prohibiting incitement to hatred because of an June 1992 US Supreme Court decision declaring such prohibitions contrary to the First Amendment to the US constitution). The lobbying efforts raised lesbian and gay issues in the CSCE for the first time and were good groundwork for the future. It was agreed that ILGA should be invited to an autumn 1992 CSCE conference in Warsaw on "Tolerance", that working party groups should contact their governments to make sure ILGA is invited, and that there should be an ILGA parallel activity in Warsaw."

Further information on the conference will be distributed as soon as we get details.

Two articles from the magazine "CSCE Helsinki '92" about "Shaping the Human Dimension" and "Towards defining NGO Access" are enclosed.

Page 53-54 of the final document from the Helsinki summit are enclosed. The full text of the document can be obtained from your foreign ministry.

Amnesty Internationals comments on the final document is furthermore enclosed for your information.

C. EC Businesses

1) **The EC-funded report on lesbians and gay men within the community.**

Minutes from the EC workshop in Paris:

"Anya Palmer (Stonewall) described the background to the report. David Geer described its contents. There will be chapters on the following:

- legal, social and economic situation of lesbians and gay men in the EC
- the equality programm
- freedom of movement of persons, goods and services
- family policy
- EC citizenship
- subsidiarity
- lesbians, gay men and human rights.

In the discussion, it was suggested that the report should also deal with issues of education policies, financial services, poverty and disability.

Peter Ashmann outlined a possible strategy for seeking to implement the recommendations of the report. This, broadly, would consist of:

- a resolution from the European Parliament (to be drafted by professor Weiler)
- getting an item in the EC budget to fund work on the report
- building an alliance with NGOs concerned with minorities and civil rights in the EC
- keeping in close contact with the relevant Directorates General of the Commission and the EP committees.

In this regard it was agreed that the Information Secretariat should also become a member of the working party and should be the link between it and the Commission and Parliament. This strategy was approved."

The copyright of the report belongs to the Commission who has founded it, but it is expected that the Commission will publish the report - hopefully by launching it on a seminar with wide attendance.

2) The Sitges study conference on the report

Minutes from the EC workshop in Paris:

"CG-L offered to host a special conference on the report in Sitges on 16-18 October to work on a detailed lobbying strategy. A hotel has been booked and the cost would be 10.000 Pts for two nights plus meals per person. Numbers would be limited to 30 participants, consisting of members of the EC working party (maximum of two persons from each group) plus one or two of the experts who wrote the report. Invitations to nominate participants would be included in the next Euroletter. A detailed lobbying strategy would then be presented to the next European Regional Conference in Brussels (Dec. 1992). The CG-L offer was warmly welcomed."

The members of the working party will receive together with this Euroletter a registration formula for nominations of participants to be sent to

CG-L
C/. Carolines 13
Entresol 2a
E-08012 Barcelona

before September the 20th 1992.

Participants will receive detailed information directly from CG-L in due time, but the following main frame can be revealed:

Arrival in Barcelona: friday 16th around lunch.

Bus transport from CG-L to Sitges.

Conference start friday 16th at 17.00 and ends sunday 18th after lunch.

3) Lesbian visibility project .

Still no final confirmation from EC.

4) **The resolution in the European Parliament on recognition of the Danish partnership law.**
The official English edition of the resolution was enclosed in Euroletter no. 5.

5) **Motion for a resolution in the European Parliament on gay marriage**
The motion by Italian greens is enclosed.

The rest of the EC working party items will be postponed until after Sitges.

A copy of an article from Gay Times is enclosed - and member groups are invited to tell the newspaper that the European lobbying it requests already exists!

Med k rlig hilsen

Steffen Jensen

S T U D Y C O N F E R E N C E O N E C

Sitges October 16 - 18 1992.

The following member group of the ILGA EC working party:

Name of organization: _____

Address: _____

Tel.: _____

Fax: _____

nominates the following (maximum of TWO) to take part in the study conference:

Name: _____

Private address: _____

Tel: _____

and

Name: _____

Private address: _____

Tel: _____

This form shall be sent to

CG-L
C/. Carolines 13
Entresol 2a
E-08012 Barcelona

before September the 20th 1992.

Participants will receive detailed information directly from CG-L in due time.

Date and signature: _____