

4 January 1993

EURO - LETTER no. 12

This Euro-letter contains an update on ILGAs lobbying towards the European Institutions and the mandates of the two working parties.

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)

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
NALGO, UK
LBL, Denmark
The EC bureau, Bruxelles (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."

At the European regional conference in Bruxelles the following recommendation was passed:

"The European meeting mandates the EC working party to continue its work in accordance with the ideas discussed at the study conference in Sitges October 1992.

The European meeting welcomes the launch of the report at a joint ILGA/ECAS seminar in Brussels in the autumn of 1993.

The working party should

- 1) lobby the EC Commission to present the report to the European Parliament and the appropriate community institutions and the community social partners asking those bodies to present their opinion on the report,
- 2) present the Commission with concrete example of EC policy leading to discrimination of gay men and/or lesbians and ask it for its view on the example if we were to take it to the European Court of Justice as a test case,
- 3) lobby for recognition that discrimination on the basis of "sex" in the Equal Pay Directive and in the Sexual Harassment Code of Practice includes discrimination on the basis of "sexual orientation",
- 4) lobby for inclusion of sexual orientation in the Directive on Dismissal when discussions on this resume,
- 5) appoint a lobbyist based in Brussels and

- 6) establish contacts with other NGO's in Brussels (e.g. ECAS, AI, women/feminist groups etc.) and trade unions in the member states."

Furthermore it was agreed to establish a bureau based in Bruxelles and working according to the following guidelines:

"To work effectively towards the European institutions, it would be necessary to create a Brussels-based ILGA EC Bureau which is mandated to speak on behalf of ILGA towards European Community institutions, within the policy of ILGA as laid down by the annual and European regional conferences.

Function:

The function of such a group would be:

1. fundraising;
2. trying to implement and develop plans as agreed by the working party at annual conferences and regional conferences and other meetings;
3. prepare the ECAS/ILGA seminar and other concrete activities;
4. establish contacts with other NGOs in Brussels.

At a later stage it should concretise the EHRF study and actively lobby the EC. It would also coordinate ILGA initiatives towards the EC, e.g. applications for funding.

All CoE and CSCE work would be done directly by those who are currently already active in this field in the working party.

Structure:

The members of the ILGA EC bureau would be appointed by the working party. The EC bureau as such is a member of the working party. The bureau would consist of people based in Brussels (or who can get there easily and without additional expense to ILGA). These people would be appointed because of their expertise in the field. We propose that it would consist of approximately six persons: women and men, and that in its composition gender parity is aimed at.

The persons should have the following skills:

1. links with the European parliament;
2. links with the DGV;
3. links with the (rest of the) ILGA Euro working party.

Within the bureau one person will be appointed who would be the official ILGA link with the EC institutions. Initially this would be Micha Ramakers, who has agreed to accept this responsibility as a volunteer (i.e. outside the information secretary working hours) until funding can be secured to employ a staff person who would then become the main contact. Micha Ramakers will not be working in these matters in his working hours as ILGA information secretary and will, as said, be acting as a volunteer in this field.

The bureau would operate from the information secretariat office in Brussels and would have its own stationary. This seems the most practical solution and it would provide ILGA with a central contact address for EC institutions.

Reporting back:

In general, the bureau would report back to the working party

- through sending information on relevant EC initiatives to the Euroletter;
- through sending minutes of its work to the Euroletter;
- at EC workshops at regional and annual conferences;
- possibly at one or more annual meetings such as the Sitges conference which it could call as it sees necessary."

Currently the members of the EC bureau are:

Peter Ashman, David Geer, Hein Verkerk, Micha Ramakers and Mikkel Emborg (of LBL, Denmark) - all living and/or working in Bruxelles.

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

Minutes of the Council of Europe Workshop in Bruxelles.

"Facilitator: Steffen Jensen

Minute Taker: Cathal Kerrigan

Attendance: 19 people from the following countries: Germany(4), Italy(1), Spain/Catalonia(1), Denmark(3), Sweden(1), Norway(1), Austria(2), Belgium(1), Netherlands(4) and Ireland(1). The Action and Information Secretariats were represented among those attending.

Agenda:

- 1) *Additional protocol to the European Convention on Human Rights*
- 2) *NGO status for ILGA at the CofE*
- 3) *European Convention on the Rights of the Child*
- 4) *European Convention on Equality between Men & Women*
- 5) *New applicants for membership of the CofE*
- 6) *Ireland / Cyprus / Gibraltar*
- 7) *Report on AIDS from the Swiss Institute of European Law*
- 8) *Strasbourg Conference (Jan 93): PreCom to the UN World Conference on Human Rights (Jun 93)*
- 9) *AOB: Bulgaria*

- 1) The facilitator reported on liaison with the Danish Parliamentary Representative who is Rapporteur on this item. The Rapporteur is dealing only with the procedural aspects of the question; it will be up to the Committee on Legal Issues to progress the issue further. Shortcomings in his draft report have been brought to his attention.
Agreed to continue our lobbying efforts focused on the Committee on Legal Issues.
- 2) This could be the most important issue for ILGA in the coming 6 months. Advice from within the CofE is that we should re-apply in June 1993. Discussion raised possibility that the criteria for NGOs are being redrafted in light of "Eastern" European developments and resultant new applications.
Agreed that HOSI Wien and glf Cologne will continue our lobbying in Strasbourg and initiate a new application, if appropriate. Agreed that COC and LBL will seek clarification on any changes in criteria. [see also item 8 below]
- 3) This Convention could have serious implications for young lesbians and gays. It is being drafted by the Committee of Experts on Family Law - mainly academics from member countries. A proposed draft letter was heard by the workshop and rejected as too specific.
Agreed to send a general request for information; the letter was drafted by the Info Sec during the meeting and will be sent asap. The reply will be published in the Euroletter and a copy forwarded to IGLYO. The Working Party will decide on further action based on the reply; they will consider the usefulness of lobbying individual members of the Committee.
- 4) A draft letter to the Steering Committee on Equality between Men and Women was read to the workshop. The letter proposed that the Sexual Orientation Project should be merged with their Project; this draft letter was rejected as completely inappropriate by the workshop.
Agreed that we continue to monitor the work of this Committee.
- 5) The Action Sec continues to monitor closely the laws on homosexuality of new applicants. In discussion the following points were highlighted:
 - The current 3-person committee reviewing Russia's human rights record includes at least two sympathetic members; on their upcoming visit to Russia they will raise the issue of lesbian & gay rights. We must ensure that they meet with Russian lesbian and gay groups by supplying appropriate information.
 - There is a motion before the Parliamentary Assembly proposing, as a general rule for new applicants, that any total ban on homosexuality must be changed in line with the European Court of Human Rights decisions in the Dudgeon and Norris Cases.
 - The new situation in Czechoslovakia from Jan 93 means that both new entities will have to (re-)apply for membership to CofE. We must monitor very closely the situation in Slovakia.
 - Romania's application is to be considered in Feb 93. This will be a key test case for us: actual repression is happening as well as legal discrimination. The CofE will pay most attention to evidence from within Romania itself; the very severity of the repression makes this problematic. COC are endeavouring to address this problem through diplomatic channels.Agreed that where new members of CofE do not have anti-homosexual laws (e.g. Latvia, Estonia, Czech Republic), we will draw attention to this by congratulating them. Action Sec called on all groups within the CofE to lobby their representatives, especially any acting as rapporteur; the Action Sec will continue to lobby those from Greece and Liechtenstein.

- 6) GLEN expressed heartfelt thanks for the continued support which is having a significant effect in Ireland.

We still await the wording of the European Court of Human Rights decision on Cyprus. Gibraltar has recently changed its laws: age of consent is 18 for homosexuals, 16 for heterosexuals. This is a significant move forward: it was accepted on first reading and contrasts with UK's own laws.

- 7) Report still not finished; nothing definite on when it will be.
- 8) The CofE is arranging the European PreCon. John Clark, Co-Sec Gen, reported that on Dec 29 ILGA received an invitation to attend the PreCom as an NGO. This is a major achievement and means we will automatically attend the UN Conference as an NGO; this may have relevance for our efforts to gain recognition as an NGO with the CofE (see item 2 above). Agreed that good co-ordination of our presentation is vital; Action Sec and Sec Gens to do this. An approach to High Commissioner on Refugees suggested.

PLEASE NOTE: ANY SUGGESTIONS OR INFORMATION MUST REACH HOSI WIEN (FAO Kurt Krickler) BY 15 JAN 1993

- 9) The Bulgarian Ministry for Justice has written to apologise for misinforming us on their ages of consent: the correct ages are 18 for homosexuals and 14 for heterosexuals."

The following annexes are enclosed:

- a) The European Charter of Rights of the Child (European Parliament).
b) Action request from GLENN on the Irish situation.

As far as the monitoring of the drafted charter on equality between men and women, Rechtskomitee Lambda is asked to follow the work closely and report to the working party.

B. The CSCE - CHD process

Minutes of the Workshop on the Conference on Security and Cooperation in Europe (CSCE) in Bruxelles

"Facilitator: Steffen Jensen (LBL-48, Coordinator of the WP on CoE/CSCE)

Minute-taker: Alan Reekie (Info Secretariat)

The Agenda of the workshop was to review the latest developments in the relations between ILGA and the CSCE, with the aim of defining the priorities for the future activities in this context. It began with a description of the proceedings of the CSCE Seminar on Tolerance, held in Warsaw and attended by Kurt Krickler (from HOSI Wien) on behalf of ILGA (and by Mirjam Turksma as a member of the Dutch delegation and Lambda Warsaw). Unlike most previous CSCE meetings, it had been attended mainly by specialists in the areas addressed by the three Discussion Groups: the role of the media, the role of the local authorities and legal issues. This seminar had provided a valuable opportunity to present the Association's ideas and objectives.

In the ensuing discussion, several participants drew attention to the main reason for ILGA's activities in relation to the CSCE process: as a means for establishing its credibility as a NGO representing what can be seen not only as a minority but also one whose human rights were still not recognised by many governments. Although the short-term aim was thus to ensure that the CSCE output documents would express these aspects clearly, this was only one step towards the more specific objective of obtaining the means to apply pressure on governments and social organisations that continued to discriminate arbitrarily against lesbians and gays.

It was evident from the information provided in this way that ILGA's participation in the CSCE process had already been successful in the first stage, and therefore it was important to continue attending such meetings, wherever the ILGA representatives could usefully contribute to the work. In parallel with this, ILGA members should take all opportunities for briefing their countries' national delegations, to ensure that they were aware of the issues of concern to them; in some cases, the Ministry of Foreign Affairs organises such briefing meetings, and it is necessary only to obtain an invitation to them, in other cases the ILGA members have to take the initiative in contacting the members of the delegations. The CSCE/CoE Working Party has already established good contacts in several countries, but there are still some notable omissions, and ILGA members that are not already participating in the Working Party - or at least on the mailing list of its "EUROLETTER" newsletter - are therefore urged to contact Steffen Jensen if they wish to help.

In conclusion, the workshop agreed that the CoE/CSCE Working Party should continue to monitor the development of the CSCE process closely, with a view to influencing its agenda to reflect the issues of concern to ILGA members wherever possible, and to coordinating the participation of their representatives in its activities wherever relevant."

C. EC Businesses

Minutes of the workshop European Community I in Bruxelles.

"Present: 30 people from a variety of EC and non-EC countries.

Facilitator: Steffen Jensen, LBL, Denmark

Minute-taker: Tobias Wikström, RFSL, Sweden

An agenda was formed for the two workshops on the European Community:

1. *The Sitges Conference.*
2. *Recommendation from the European Regional Conference as drafted in the pre-conference papers.*
3. *The report "Homosexuality - A Community Issue" and the launch of it.*
4. *Seminar arranged by European Citizens Action Service and the ILGA.*
5. *Draft Report to the Committee on Civil Liberties and Internal Affairs of the European Parliament.*
6. *The Working Party.*

1. The Sitges Conference

Kees Waldijk stated that it is not possible for him to fulfil the task as mentioned in the Sitges minutes, to prepare test cases.

Kees Waldijk asked the participants to send him ideas and proposals of research concerning homosexuality in connection with the community. He is particularly interested in how the different jurisdictions of the EC recognize gay couples.

Stonewall has conducted a study in the United Kingdom with over a thousand replies on discrimination in the workplace and aims to seek funding in the EC for an extended study in other EC countries.

2.Recommendation from the European Regional Conference as drafted in the pre-conference papers.

The proposal in the pre-conference papers was discussed and amended. The workshop proposes the following wording.

(see above)

3.The report "Homosexuality - A Community Issue" and the launch of it.

The report will be published by the Dutch publishing house Martinus Nijhoff in March. As a special ILGA offer it can be ordered by Peter Ashman at the price of 15 NLG (paperback). The report will be officially launched in Brussels. Organizations are encouraged to arrange press conferences, where national MEP's should participate, after the launch.

There should be a meeting with Mr Flynn to present the nine-point programme outlined in the report. This launch will coincide in time, hopefully, with the presentation of the Final Report to the Committee on Civil Liberties and Internal Affairs of the European Parliament.

4.Seminar arranged by European Citizens Action Service and the ILGA.

This seminar will take place in September 1993 in Brussels. Day one of the conference will be solely about gay and lesbian issues. Jordi Lozano and Steffen Jensen plan to participate in the conference. DGV (social affairs) will support the other days of the conference economically, but not day one.

The conference is directed at government and community officials as well as NGO's and trade unions.

5.Draft Report to the Committee on Civil Liberties and Internal Affairs of the European Parliament.

Mr Black, MEP, and Mrs Jensen, MEP, have presented a motion for resolution in the European Parliament and members of green parties another one. These motions have been referred to the Committee on Civil Liberties and Internal Affairs of the European Parliament. The committee has assigned Mrs Claudia Roth to be rapporteur on the issue. Her report was disseminated at the workshop in a draft version. This issue will be discussed in the workshop EC II, and the participants were urged to read the draft report before the second workshop.

Recommendation:

To accept the resolution drafted by the workshop (see above)."

(The recommendation was passed with a slight amendment - included above - by the plenary)

Minutes of the European Community Workshop 2 in Bruxelles.

"Facilitator" : Steffen Jensen

Minute taker : Peter Ashman

1. Draft report of the EP Committee on Civil Liberties on Equal Treatment of Lesbians and Gays in the EC

Hein Verkerk, who has prepared the preliminary draft report for the rapporteur, Claudia Roth MEP, answered questions on its contents. He had used the term "sexual preference" on occasion as a linguistic alternative to "sexual orientation" but he might change this. He had not yet included any reference to the EC trying to influence the treatment of lesbians and gay men in third countries when negotiating treaties or agreements, but he proposed to do so.

The original version of the final draft would be in German; English and French versions would probably be available soon after it was submitted to the Committee Secretariat (at which time it could be publicly released) but other official translations would take longer to appear.

The Legal and Womens Committees would probably be asked to give their opinion on the final draft, which was expected at the end of January or early in February. The first reading in Committee would probably be in February or March. That was the moment to alert MEPs to the existence of the report. The Committee meetings, held in Brussels, were in public so everyone was welcome to attend.

There would be a second reading in Committee some 2 months later, when amendments were most likely to be proposed. It was at this stage that major lobbying needed to be done to prevent any wrecking amendments. The report would then go to the plenary session in Strasbourg. The minimum notice of appearing on the agenda should be 2 weeks. It was hoped to avoid it appearing in the July session of the Parliament which will be the same week as the ILGA Barcelona conference.

There were a number of possibilities to publicize the report :

- a public hearing of the Civil Liberties Committee;
- an informal hearing organised by some of the political groups;
- a lesbian and gay party in the Parliament when the report is debated and an exhibition in the Parliament building.

Communication would be via the Euroletter or, in case of urgency, directly by Hein. A list of relevant MEPs to lobby would be published in the Euroletter.

It was noted that the Working Party still lacked members in Portugal, Luxembourg and Greece. There were now lesbian and gay groups in Portugal and the Euroletter would be sent to them.

2. *Other demarches*

- i. PHARE application - ILGA had applied for funding for a programme to work for the human rights of lesbians and gay men in Eastern Europe (except for CIS countries and former Yugoslavia which were excluded from the PHARE programme). It is likely that the WHO GPA office will co-sponsor this project. A reply had been expected from the Commission in December but this has now been deferred to March.
- ii. Democracy and Human Rights in Latin America - as this area has been transferred to the portfolio of Commissioner Marin, the Spanish socialist, an application would be made to fund a programme for promoting the human rights of lesbians and gay men in Latin America, with the help of CGL.
- iii. Anti-Discrimination Campaign - if the national Spanish campaign against discrimination is successful, we would approach the Commission with a request to fund a similar campaign for the whole of the EC.
- iv. Anti-racism directive - the Dutch national refugee organisation had launched an initiative for an EC anti-racism directive and had produced a draft directive. This initiative was supported by the Dutch Prime Minister and there is to be a conference on it early in 1993. We would work to include "sexual orientation" in any such directive.

The delegates from LBL remarked that such activities went beyond their group's mandate. It was agreed, however, that they did fall within the mandate of the Working Party as established at the 1990 Stockholm ILGA Conference."

Med kærlig hilsen

Steffen Jensen Peter Bryld Ken Egelund Thomassen