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Knabrostræde 3, DK-1210 Copenhagen K. Tel. + 45 33 13 19 48 Fax + 45 33 91 03 48
in cooperation with GAY AND LESBIAN INTERNATIONAL LOBBY
Editors: Steffen Jensen, Ken Egelund Thomassen, Peter Bryld and Lisbeth Andersen.

Contributions to the Euroletter are most easily sent either by e-mail to *steffen.jensen@uvm.min.dk* or by fax to Steffen Jensen at +45 31 24 64 35 (voice and fax).

In this issue:

<i>ILGAs NGO status with the Council of Europe</i>	1
<i>What can the CoE do for lesbians and gay men</i>	1
<i>Spanish Partnership law coming soon</i>	2
<i>ILGAs lobbying at the CSCE review meeting</i>	4
<i>Romania</i>	11
<i>Albania</i>	14
<i>ILGAs EU policy</i>	14
<i>Important votes in European Parliament</i>	14
<i>Lesbians and gay men in ethnic minorities</i>	15
<i>New members of EP</i>	15
<i>New Aids proposal in the EU</i>	16
<i>Index to Euroletter part 1</i>	19

affective relationship to that of a spouse, regardless sexual orientation, for at least the two previous years. Congratulations to Spain!

In *The Netherlands* a new act on equal treatment offers legal protection against discrimination. The law prohibits direct and indirect discrimination on the grounds of religion or creed, political orientation, race, sex, nationality, heterosexual or homosexual proclivity and marital status. The following areas are covered by the law: work performed under an employment contract (recruitment, selection, salary, promotion, dismissal or any other employment condition), entry into, and advancement in, a free profession, supply of information on the choice of schools and professions, trade in goods and services.

Application for NGO status within the Council of Europe

At ILGA European regional conference in Helsinki December 1994 it was decided that the application for NGO status within the Council of Europe shall be sent off.

The application has been ready for some time and the final version will be brought in a future Euroletter.

New legislation in European countries

In *Spain* a new law on urban rents comes into force the first of January. The law recognises the right of subrogation to all non-married couples according to the following formula: "in favour of the person who has been cohabiting with the lessee in a similar

The Council of Europe and what it can do for gay men and lesbians

By Alexandra Duda, lgf Cologne

With its aim of achieving equal rights for gay men and lesbians, the International Lesbian and Gay Association (ILGA) has been working with human rights institutions ever since it was founded in 1978. Especially, inter-governmental organisations, such as the Council of Europe (CoE) or the United Nations have proven an appropriate field to address lesbian and gay issues. This is not because those organisations are on average less homophobic than individual governments (they rather *consist* of them), but because they have committed themselves publicly to formulate, safeguard and enforce to a certain degree human rights standards. Discrimination against people

based on their *sexual orientation* runs contrary to those principles.

The Council (founded in 1949) currently has 32 member states with Romania as the last one being admitted in September 1993 and pursues the following aims:

- to protect and strengthen pluralist democracy and human rights
- to seek resolutions to the problems facing European society
- to promote awareness of a European cultural identity.

The CoE Human Rights Mechanism

The European Convention on Human Rights sets out the "inalienable rights and freedoms of each individual and obliges states to guarantee their enjoyment by everyone within their jurisdiction". Member states must sign and are urged to ratify the Convention following their admission. Many have, however, made reservations to the guarantee of certain rights.

If a citizen of a member country thinks that his/her rights guaranteed by the Convention had been violated and his/her case has been rejected by the Supreme Court of that country, he/she can lodge a complaint with the *European Commission of Human Rights*; if a friendly settlement cannot be achieved, the case is referred to the *European Court of Human Rights* in Strasbourg. The Court delivers final judgments binding on the states concerned while proper implementation is monitored by CoE bodies.

ILGAs activities to achieve its aim

- to lobby CoE officials and national governments to include sexual orientation in future anti-discrimination documents (incl. an Additional Protocol to the Convention)
- to be granted NGO status (the first application has been rejected in 1989)
- to support gay men and lesbians in their struggle for justice at the European Court (test cases)
- to put pressure on governments of countries that apply for membership to abolish anti-homosexual legislation as a pre-condition for entry.
- to educate government officials and human rights experts about the forms and consequences of discrimination (expert meetings, seminars).

What ILGA has achieved so far

The deliberative body of the CoE, the Parliamentary Assembly, has repeatedly considered sexual orientation issues and called upon the member states as well as the Committee of Ministers (the decision-making body) to recognize equal rights for gays and lesbians:

Recommendation 924 (1981)

- to abolish criminalizing legislation and the persecution of people engaged in homosexual acts between consenting adults
- to equalize ages of consent
- to destruct and cease collection of records on homosexuals (pink lists)
- to assure equal treatment with regard to employment, job security, pay
- to cease all compulsory medical action or research designed to alter the sexual orientation of adults
- to ensure that custody and visiting rights of homosexual parents are guaranteed

Motion for a Recommendation (1990)

- to elaborate an Additional Protocol on discrimination based on sexual orientation
- to encourage member states to alter/adopt relevant legislation
- to grant NGO status to ILGA

Written Declaration # 227 (1993)

The Assembly is asked to consider anti-homosexual legislation and practice in the new democracies applying for membership in their decision on admission.

Admission of Romania (Opinion # 176 1993)

The Assembly in its opinion on Romania's admission requested that the country abolish Article 200 of the Penal Code so that it "will no longer consider as a criminal offence homosexual acts perpetrated in private between consenting adults".

The European Court decided in *Dudgeon vs. Great Britain* (1981), *Norris vs. Ireland* (1988) and *Modinos vs. Cyprus* (1993) that a ban on homosexual acts between consenting adults violates Article 8 of the Convention, the right to privacy.

ILGAs activities in the CoE are concentrated and orchestrated in a Working Party for CSCE, CoE and EU consisting of about 15 ILGA member organisations in various countries who communicate and coordinate their actions via the EUROLETTER.

The Spanish Partnership Law is Coming Soon

by César Lestón, COGAM

Foreword

Most of the lesbian/gay media do not know about the information published in Spanish. The Spanish

society is virtually unknown to the foreign public, and media, and only some too recurrent and old - fashioned topics hit the headlines. For instance, the presence of a strong Catholic Church is understood abroad as an equivalent of a conservative society; yet Spain is one of the most tolerant European countries currently; even if the majority of the population is or claims to be catholic, this does not mean that they meet each and everyone of the Church's demands. We would like you to get acquainted with the process which led to the current situation on the Partnership Law. You might be surprised to learn that -after Denmark, Norway and Finland, Spain is most likely to be the fourth country to have such a law. Such situation is virtually unknown to the foreign reader.

The Partnership Law. The beginning.

The first precise and technically structured law regulating lesbian/gay couples was presented at the Madrid University in August 1993. COGAM (Colectivo de Gais y Lesbianas de Madrid), representing the Federación Española de Gais y Lesbianas presented to the public a Law regulating unmarried couples, either homosexual or heterosexual, granting them similar rights (though not equal) to those of marriage. Such rights would derive from an inscription before the City Council. According to our Law, unmarried couples, either heterosexual and lesbian/gay couples would start to be considered as family units and would have rights such as: pensions, social security, insurances, property rights, heirdom rights, etc. In principle, the Law would not allow adopting children. We must state that Spain allows the adoption by single persons and artificial insemination of single women, and there are well-known cases of lesbian and gay couples having children, though formally only one is the adopting (adoption) or mother (insemination). The adoption by couples has not been included in our Law, but this does not prevent us from fighting for such rights, also in Courts.

October 1993 was the date when the Law was presented to the media. Thereinafter, the Partnership Law has been one of the most controversial issues of the Spanish society: hundred of press articles, TV interviews to gay/lesbian couples, discussions with judges, lawyers, priests, social / political leaders, etc. The Spanish population and the media (let alone some conservative newspapers) have taken sides in favour of approving our Law.

The Federación Española de Gais y Lesbianas, started then to approach the political parties. Spanish political situation is: minority government of the Socialist Party-PSOE) (social democrat) supported from outside by the nationalist parties from the Basque

Country and Catalonia (christian democrats and liberals); the opposition is mainly integrated by the second largest party, the Partido Popular (conservatives / christian democrats), Izquierda Unida (former communists and other socialist groups), besides other regional parties.

Most of them, including the ruling socialists, dismissed considering the proposal seriously. However, as the subject gathered momentum, and considering the positive reaction of the Spanish society, Izquierda Unida-IU and the Socialist Party (that is, the government) have stated their willingness to provide a regulation for the non married couples, including gays and lesbians. The seats of IU and PSOE in the Parliament are more than the majority needed, but the parties have virtually no common actions.

European Parliament; City Councils and Regional Parliaments in Spain.

December 1993: The Madrid based gay group COGAM managed to obtain a positive response from all the political groups of the Madrid Regional Parliament, which approved a proposal addressed to the national government which was requested to approved a Partnership Law, a proposal which was unanimously voted by PP, PSOE and IU. Later, the Regional Parliaments of Valencia and Murcia have made similar proposals.

February 1994; after the historical resolution in favour of the equality of homosexuals issued by the European Parliament, the Major of a Basque Country middle-size town Vitoria, opened fire when creating the first *Register of Civil Unions* as a way of pressing ahead in favour of the approval of a Partnership Law. Such Registers, for lesbians, gays or heterosexual unmarried couples only grant rights at City level, but were determining for two reasons: 1.- Because, for the first time ever, a public administration considered gay / lesbian couples as families. 2.- The registers create a new legal case at City level, a case not regulated by law, and which demands a nationwide regulation, for family and marriages are matters of the federal government; a demand which has been gathering momentum ever since.

Currently, a lesbian/gay couple may register in Spanish major cities, such as (for instance) Barcelona, Granada, Toledo, Vitoria, Córdoba, Gijón or Ibiza; in the whole Valencia region (town of Valencia included) and the Asturias region, besides some 30 towns / villages throughout the country. And they increase by the day. In the town of Madrid, the Register was not approved, due to the vote of the

Partido Popular (conservatives) holding the majority of the seats in the Council.

Latest developments

November 1994; The Valencia regional Parliament has approved a law regulation on adoptions. *Provisory fostering* (not the definitive adoptions, which are concern of the central Government) can be granted to married couples or to partnerships or either sex.

December 1994; The social demands in favour of regulating partnerships have been echoed by the national parliament: a request urging the government to issue a law on the matter was approved, with the votes of PSOE and IU, mainly. No party voted against, and the conservative PP abstained on technical grounds (demands for more precision on the adoptions issue). Besides the Partnership law proposal made by the Federación Estatal de Gais y Lesbianas, other proposals have been made by other lesbian/gay groups. Also IU has presented to the Federal Parliament its own proposal, which is not likely to be approved, for the Socialist Party / Spanish Government are still drawing their own. Whether the proposals made by the Federación Estatal de Gais y Lesbianas will be acknowledged by the Government remains a good question.

Conclusion

So far, the polemic is whether lesbian/gay couples should be allowed to adopt children. In other words, virtually no relevant political / social leader or institution has stood openly against the recognition of partnerships rights for lesbians/gays. And, beyond any doubt, the partnership law the Government is preparing, is to include the lesbian/gay couples.

ILGA's Lobbying at the CSCE Review Conference

Budapest, 10 October - 2 December 1994

by Kurt Krickler

Three ILGA representatives were accredited at this conference which would have been, in former OSCE nomenclature, a follow-up meeting dealing not only with human dimension issues but with all OSCE areas: Alexandra Duda, Iglf Köln, Kurt Krickler, HOSI Wien, and Scott Long who is living in Budapest at the moment. Alexandra and I attended the first week of the meeting, I returned twice just for the day (on 1 and 11 November), Scott could only attend

sporadically since he was very busy in his teaching job.

Talking to delegations

During the first four days, there were only general plenary sessions to which, for the first time in CSCE history, NGOs had access although they were not allowed to give oral statements. Alexandra and I, therefore, used the time to talk to various delegations. We concentrated our lobbying on three groups of delegations:

The first group was the "friendly" delegations which we expected to put forward a proposal for the concluding document referring to non-discrimination based on sexual orientation. The Netherlands had announced already in advance that they would try to launch such a proposal. Alexandra and I had talks with the delegations of the Netherlands, Norway, Sweden, Canada and the USA. They were all, like in the past, very supportive but not really optimistic about the possibilities of such a proposal being introduced and surviving the discussions. Even the Dutch delegate confined his willingness to table a proposal to the scenario that it would fit into another proposal dealing with similar issues. The problem with the CSCE process is that, on one hand, most human rights standards have already been established in previous documents and that there will hardly be new standard setting again. On the other hand, a proposal that would introduce new standards for lesbians and gays only, eg. a whole paragraph with an own heading, would make the issue too prominent in a document and, therefore, hardly be accepted by the delegations. The only realistic option, also in the opinion of the Dutch delegation, was to insert "our issue" into another proposal. Although there were at least two opportunities in the Budapest Document to do so (see later), "sexual orientation" or the "non-discrimination of lesbians and gay men" finally did not find the way into the document;

The second group of delegations we met were those ones that had opposed a proposal in Helsinki in 1992: the British, the French, and the Spanish. In general, the NGO liaison persons showed understanding and expressed support, we also tried to make them a bad conscience and to appeal to their image: People were very surprised after Helsinki to hear that the U.K., France, and Spain had opposed the proposal while countries with a much lower record of respecting lesbian and gay rights, such as Russia or Romania, were not. It would make a bad impression again if these delegations would be opposed to a possible proposal again;

The third group of delegations we prioritized in our lobbying were those countries where homosexuality is still illegal:

Cyprus: We met a delegate who promised to inquire about the state of the arts of the law reform back home. He asked us to phone in a few weeks. When I did so on 1 November, I was informed that Alexander Modinos had meanwhile received his compensation from the State and that a draft bill has already been introduced

in Parliament. The reform, which would bring the law in line with the ruling of the European Court of Human Rights, is expected to be voted upon in early 1995. The fact that the delegation had done its homework shows that NGOs in general and also ILGA in particular are taken more and more serious in the CSCE context;

Georgia: The delegate consoled us with the remark that there is war in Georgia and that the ruling powers have not even finished the work on the new Constitution; and the new penal code is only next on the agenda. He promised anyway to forward our concerns and demands to the appropriate bodies in Tbilissi. He also stressed that the law would not be enforced any more;

Macedonia: The delegate was very understanding and supportive and convinced that the total ban will be abolished as soon as a new penal code will be enacted. He promised to forward our documentation and demands to the relevant bodies in Skopje;

Romania: The responsible delegate was well informed and seemed very competent. She was well aware of all the foreign protests, the Council of Europe interventions and the different proposals concerning a reform of Article 200, she regretted that her impact on law reform is limited and that it will be up to the Parliament to decide upon a reform;

Moldova: Like the Romanian, also the delegate of Moldova seemed to belong to a new generation of young and highly committed diplomates. She made a very deep impression on us because she had already contacted the Foreign Ministry back home when ILGA's written presentation was distributed to all delegations. She had asked for confirmation that ILGA's information about the legal situation in her country was correct. When we met her she was already well briefed and informed; she promised to sent all ILGA documents to the relevant bodies in Chisinau. She also mentioned that the appropriate addressee of our concerns would be the head of the Parliamentary Commission for External Relations,

Mr. Diacov. Being attache at Moldova's embassy in Vienna, she also offered to forward a letter and further documentation to Mr. Diacov via diplomatic courier. So we agreed to write such a letter and to send it to her in the embassy after the Budapest conference being over (HOSI Wien already did so - see copies enclosed).

Delegations mentioning the lesbian and gay issue

Not only the example of Cyprus showed the increasing importance of ILGA. Many of the delegations we phoned for dates were aware of ILGA, many had already read our written presentation or remembered our interventions in previous CSCE meetings. Especially Hans Hjerpekjøn's statement at the 1993 Implementation Meeting in Warsaw was well remembered by some delegates who mentioned it to us. There seems to be a long-term effect of our lobbying efforts.

Another example for ILGA's increasing recognition was the fact that the Romanian delegation mentioned "our issue" in a statement in Working Group III (Human Dimension Issues) on 25 October:

"Last but not least, is the issue regarding the freedom of sexual orientation in Romania, which will be regulated through an amended version of Article 200 of the Penal Code (the former version of the article, banning homosexual and lesbian relations, has been virtually suspended). Judging by the way debates on this subject are going on in Parliament, it is expected that consensual relations between adults of the same gender, carried out in private, will no longer be persecuted by future legislation."

This is the first time that a country criticized by ILGA considered it worth while to react on this issue!

By the way, there were not many delegations that took up this issue in their statements. As far as we know, only Sweden referred to it in a statement in Working Group III at the end of October:

"The principle of non-discrimination is the fundamental basis for the enjoyment of all human rights. Nonetheless, discrimination does exist against a number of groups in our society.

Still much remains to be done to eliminate all forms of discrimination and violence against women in order to ensure equality. Mention could in this context also be made of discrimination against conscientious objectors as well as homosexuals."

And there was, of course, the joint statement of the Netherlands and Norway on Tolerance and Homosexuality delivered by delegate Wouter Plomp (NL) in Working Group III on 1 November. It was the first statement of any delegation in the CSCE process ever that was solely dedicated to the issue of homosexuality (copy of the full text is attached).

The Romanian delegate asked for the floor to react on this statement in which Mr. Plomp referred to a decision of the Romanian Chamber of Deputies on 25 or 26 October. The Chamber had voted against reform proposal of the Senate and for keeping article 200 unchanged. The representative of Romania regretted this decision but stressed that a mediation committee of the Senate and the Chamber would now discuss the final version of the amendments to Article 200. (Meanwhile, international news agencies reported that the Parliament, after criticism by the Council of Europe, revised the decision on this very 1 November again: Homosexual acts will only be an offence when committed in public and causing public scandal. Does anybody have reliable information about the final outcome of this never-ending history of reform?).

The US delegate took the floor to explain, referring to the remark of Mr. Plomp that 20 states of the USA still have sodomy laws, that the Federal government has no power to make these states change their laws.

ILGA'S input

On Friday, 14 October, the four working groups held their first sessions. Suddenly, the NGOs were alarmed because there were strong rumours that some delegations wanted to prevent NGOs from participating in Working Group III. Especially France and Turkey were very reluctant. There was, however, a strong NGO lobby which also had strong support from the ODIHR and the NGO liaison person of the Budapest Executive Secretariat. Finally, the delegations agreed on a compromise: NGOs would have access to all sessions of WGIII (and be allowed to make statements) except from those dealing with two specific agenda items: role and activities of ODIHR and role of NGOs. This was a great success and progress. In Helsinki two years ago, NGOs were not allowed into the working groups and could only attend the plenaries but could not address them. In Budapest, all the other working groups (on conflict prevention, security cooperation, etc.), however, remained still inaccessible for NGOs.

The occasion for ILGA to speak was agenda item IV dealing with "tolerance and non-discrimination"; relevant sessions were scheduled for 28 October and

1 November. But ILGA, due to some emergency case, gave an unplanned statement even before:

The Tirana Incident

The day after I had returned home, 15 October, I received a fax from Albania about a severe case of police harassment that had occurred the night before in Tirana. Two "members" of the group were badly beaten up by the police for their being members of an illegal organisation and in order to get the names of other members and especially of the leader of the group. One of the victims was in hospital, unconscious, and with a broken leg; another with injuries in his own house. A third member of the group was under arrest at that moment but later released.

I faxed this information to Scott and asked him to make a statement on this harassment in one of the WG III sessions dealing with freedom of expression and freedom of association and peaceful assembly. Scott delivered this statement (copy enclosed) on 18 October, only three and a half days after the harassment had occurred. This was really efficient work which clearly had some impact on the Albanian authorities. Scott also distributed a news release to all delegations (copy enclosed) and informed IGLHRC, ILGA's action secretariat, which made press releases. Volker Beck, openly gay German member of Bundestag, took up the case and called upon the German minister of Foreign Affairs, Mr. Kinkel, to take necessary diplomatic steps towards Albania to stop such harassments. This was reported by Deutsche Welle, and from there the news found its way into the Albanian press (see enclosed copy of an article in Koha Jone, dated 23 October). Amnesty international made the case to an urgent action (copy enclosed).

Immediately after the incident, the group was extremely scared and everybody in the group wanted to leave the country. The police accused them of having "foreign contacts" and of defaming Albania abroad. The leader of the group, Sen, had asked for an invitation to come to Austria. He was called in by the police because one of the arrested persons had given his name under pressure. He bribed the police with 200 US dollars and was released! Later, he was called in again by the police but sent away after 18 hours of waiting without being interrogated. Maybe it was only an attempt to get more money out of him.

The international protest obviously made a strong impact. The police clearly backed off after the intervention in Budapest and Volker Beck's action. Recent rumours even say that article 114 of the Draft Penal Code will be eliminated in the Parliament during the debate of the draft in December. Thus, the

total ban on homosexuality would be completely repealed!

It is not clear whether the members of the group will be charged and put on trial but this seems to be unlikely. In any case, they calmed down and are not that scared any more.

On 1 November 1994, I returned to Budapest and gave the prepared ILGA statement (copy enclosed). It was the fourth intervention that afternoon that dealt with lesbian and gay rights (see above) I talked again to Dutch and Norwegian delegates but at that time, no proposals for the document had yet been submitted.

On 11 November, I went to Budapest for the day and attended the NGO Forum that morning. I talked again with the Dutch representative but there was no news. I also met the NGO liaison person of the Albanian delegation. He seemed a little embarrassed. We talked about the Tirana incident, he promised to report back to his office in Tirana about our protests. A few days earlier, the Albanian population had voted against the new Constitution in a referendum. He assumed that this would delay the debating of the new draft penal code and therefore he could not comment on the law reform. It was not a very inspiring conversation.

At the end of November I phoned Mr. Hazewinkel, the Dutch delegate, several times but there was no proposal put forward yet where "our issue" could fit in. In the very last days of the conference, it was impossible to get hold of Mr. Hazewinkel. Maybe Hans Vonk and Hein Verkerk can find out whether the Dutch delegation put forward a Proposal, and if so, why it failed to be included in the Document (which ones were the "bad and nasty" delegations!?).

Beyond Budapest

As mentioned before, there would have been two opportunities to include "sexual orientation" in the Document. One is item 7 of the Budapest Summit Declaration "Towards a Genuine Partnership in a New Era" which reads now as follows: .. The CSCE's democratic values are fundamental to our goal of a community of nations with no divisions, old or new, in which ... the human rights and fundamental freedoms of all individuals, regardless of race, colour, sex, language, religion, social origin or of belonging to a minority, are vigorously protected.

The other opportunity would have been the sub-chapter on "Tolerance and non-discrimination" in Chapter VIII of the Budapest Document, dealing with the Human Dimension. Item 25 reads now as follows: The participating States condemn manifestations of

intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

Relevant decisions

Strengthening the CSCE: As of 1 January 1995, the CSCE will be the OSCE (Organization for Security and co-operation in Europe).

Budapest was the first and last Review Conference. Realistically, it was also the last chance for new standard setting and for explicitly including "sexual orientation" as a non-discrimination category. The next OSCE Summit will take place in Lisbon in 1996 and will be preceded by a preparatory meeting only. The Summit will decide on the frequency of future Summit meetings.

The Ministerial Council (formerly the CSCE Council) as the central decision-making and governing body of the OSCE will meet, as a rule, towards the end of every term of chairmanship at the level of Foreign Ministers.

The senior Council (replacing the Committee of Senior Officials) will meet in Prague twice a year. States are encouraged to be represented at the level of political directors or at a corresponding level.

The Permanent Council (formerly the Permanent Committee) will be the regular body for political consultation and decision-making. It can also be convened for emergency purposes. It will meet in Vienna and be composed of the permanent representatives of the participating States.

The ODIHR (Office for Democratic Institutions and Human Rights) will be strengthened.

The current mode of review of implementation of all CSCE commitments will be maintained. The review meeting before each Summit will be held in Vienna.

The Human Dimension: Concerning the participation of non-governmental organizations (NGOs), the Budapest Document states that this was a welcome addition to the implementation review. In their statements, these organizations contributed ideas and raised issues of concern for participating States. The experience of the Budapest Review Conference invites further consideration with regard to promoting within the CSCE the dialogue between governments and NGOs of the participating States, in addition to state-to-State dialogue.

The participating states and CSCE institutions will provide opportunities for increased involvement of

NGOs in CSCE activities as foreseen in chapter IV of the Helsinki Document 1992. They will search for ways in which the CSCE can best make use of the work and information provided by NGOs. The secretary General is requested to make a study on how participation of NGOs can be further enhanced.

In my interpretation, this means that ILGA's participation, in the future, will be limited to the Human Dimension activities since no provision is to be found that NGOs will have access to the meetings of the Permanent, Senior or Ministerial Councils.

Further ILGA Strategy

I would propose that ILGA continues to participate in the OSCE Human Dimensions activities whenever appropriate and possible, especially in implementation and review meetings or seminars on relevant topics. From our experience we know that "our issue" is definitely recognized within the CSCE process although non-discrimination based on sexual orientation is not explicitly mentioned in one of the Documents.

The number of large-scale human dimension seminars will as a rule be reduced to two per year. There will be more emphasis on regional seminars. The Permanent Council will establish an annual work programme including the titles, dates and venues of such seminars, taking into account the advice of the ODIHR.

Romania has already offered to host an international Seminar on Tolerance in Bucharest under the auspices of the ODIHR and the Council of Europe in co-operation with UNESCO, in the context of the 1995 International Year of Tolerance.

(The full text Of the Budapest Document is available at the Foreign Ministries of participating States or from HOSI Wien)

The statement of the delegations of the Netherlands and Norway

Working Group III

1 November 1994

Tolerance and homosexuality

Mr Chairman, On behalf of The Netherlands and Norway I would like to make the following brief statement. It is under the heading of Tolerance and Non-discrimination that I would like to address an issue which is dear to our heart and has so far not

been mentioned by any Participating State in this Working Group.

I am referring to the situation of homosexuals. In some countries penal codes have been amended so as to reduce or abandon legal discrimination of homosexuals, and we were pleased to hear the expectation of the Romanian delegate on 23 October in this Working Group that the Penal Code In Romania will be amended in this way. Unfortunately we received information that alter that date the Romanian House of Representatives turned down the amendments of the Senate as regards art 200 of the Romanian Penal Code. We appreciate the efforts of those in Romania who tried to amend this article in a more non-discriminatory way and we still express the hope that Parliament in Romania will find a way to change its Penal Code regarding homosexuality. On the other hand there are many more countries, including more than 20 states of the United States, which still provide for a total ban on homosexual relations, as was presented to this meeting by the representative of the International Lesbian and Gay Association.

Legal discrimination against homosexuals is a serious issue in itself, but becomes even more important when one considers the fact that governments ought to set an example for their citizens. Discriminatory legislation towards homosexuals can easily give the population at large the impression that they are right in their prejudices and it is in this way that governments indirectly condone or even incite to harassment of homosexuals. It is the conviction of the delegation of the Netherlands and Norway that both the legal discrimination and the indirect condoning of harassment of homosexuals is an important issue which should not be neglected by the CSCE.

The statement of Scott Long

Thank you for the opportunity to speak today. My name is Scott Long, and I represent the International Lesbian and Gay Association (ILGA), a worldwide umbrella organization of some 400 non-governmental organizations fighting discrimination against homosexual women and men.

Last Friday night, October 14, In Tirana, Albania, police rounded up three men who were members of Albania's first gay and lesbian organization, Shoqata Gay Albania. They were accused of belonging to an illegal organization. Police beat them for several hours, demanding the names of the president and other members of the group.

I am informed by a source in Albania that one of the victims is still under arrest and apparently undergoing further interrogation. Another is reportedly in hospital, unconscious and with a leg broken. A third is at his home, under treatment for injuries sustained during the police beatings.

Consensual homosexual acts between adult men remain illegal in Albania. Hence Shoqata Gay Albania has not been able to register legally, and its members are part of a so-called "illegal organization" subject to police persecution.

This shocking and outrageous incident illustrates my message today more powerfully than any words I might muster:

The rights of gays, lesbians, and bisexuals to associate; to assemble; to express themselves; and to discover and articulate a collective identity, are fragile ones. They are continually under threat - even in democratic countries, among them member countries of the OSCE. They are rights which must be explicitly guaranteed.

Often the rights of gays and lesbians are discussed as though they could be confined to the enjoyment of an undisturbed existence in the private sphere. The right to privacy is essential to gays' and lesbians' lives - as it is to everyone. But the rights to speak out and to be together are no less significant for us than they are for other citizens.

These rights are the ones most often endangered and most easily denied - for it is when an unpopular people becomes vocal and visible that it becomes most vulnerable. These rights in particular require clear and unequivocal protection.

Let me offer a few more examples of how gays' and lesbians' access to the public sphere is abridged or denied.

In Romania this past July, an attempt to hold a lesbian and gay cultural festival, featuring performers from several Scandinavian countries, was closed on orders of the district mayor in Bucharest. Armed police with dogs surrounded the performance venue and prevented the event from taking place.

In a related development, the Romanian government has proposed a modification of the law criminalizing adult, consensual homosexual acts. This proposal would penalize homosexual acts "which cause public scandal." This deliberately vague and elastic language could be used to prohibit virtually any homosexual

gathering, or any public expression of gay or lesbian identity - ensuring that abuses such as the above would continue unchecked.

In Turkey, the first Congress of Homosexual Solidarity was to be held in Istanbul in July 1993. The Governor of Istanbul banned the event at the last moment, citing an offense to "traditions and moral values" of Turkish society. When delegates attempted to hold a press conference to protest, 28 foreign and three Turkish delegates were detained. The former were deported from Turkey, after police attempted unsuccessfully to force them to submit to HIV testing.

In many countries, gay and lesbian organizations are denied the right to register themselves officially. In the absence of specific and explicit protection of the right of gays and lesbians to associate and assemble, vague registration requirements can readily be used against their organizations. Attempts over a period of one year to register a gay and lesbian group in Romania met with failure, as group leaders were sent by a court on a quixotic quest for the unobtainable approval of government ministries. In Hungary and in Lithuania, groups have been denied legal status on the transparent pretext that the word "gay" was not a legitimate, indigenous expression. In Moscow, gay and lesbian organizations have been denied registration on the basis of a 1990 Soviet law which provides that "the creation and action of civil unions that aim to harm the health and morals of the population ... shall be punishable by law."

The penal codes of Austria and Liechtenstein explicitly forbid the founding of homosexual organizations. Those penal codes, plus that of Finland, prohibit the dissemination of positive information on homosexuality. In Austria this has also led to the confiscation or AIDS-prevention material for gay men, thus contributing to the further spread of this pandemic.

These are all threats to the public rights, and hence the collective existence, of lesbians and gay men.

Being lesbian or gay is necessarily both public and private business. We have built a unique identity, one bridging a gulf between two parts of human experience. Lesbian and gay life requires legal protection of the private sphere in which we live and love. Yet we must also have equal access to public space, so we may come out, define ourselves, gather and be heard: We need the right to be listened to, as well as the right to be left alone.

These are not special rights. They are rights for everyone, that transform mute existences into fully

human lives. Indeed, they are rights that make - or by their absence, break - democratic societies.

in the last five years, we have seen, in country after country, what the transition from totalitarianism to democracy entails. It means creating privacy, where citizens once laced constant surveillance. It means creating public lie, where politics meant mouthing slogans and marching in choreographed parades.

Gays and lesbians live by the integrity of these spheres; we stand as a living litmus test of whether democracy succeeds. The recent histories of emerging democracies where gay movements have begun shows how defining gays' and lesbians' rights can be crucial to creating civil society.

We speak then, on behalf not just of a particular minority group but of a general and common interest; the call we make is for an open, accessible, and equal public sphere. ILGA urges this Review Conference to commit itself to a policy of non-discrimination based on sexual orientation. Only an explicit commitment to equal protection for homosexual women and men can ensure that their rights to freedom of expression, association, and assembly are not denied. Only such a commitment can guarantee that gays and lesbians are not silently silenced, that their fledgling solidarity is not stifled or dispersed.

The statement of Kurt Krickler

1 November 1994 in Working Group 3:

Discrimination on the basis of sexual orientation is a violation of human rights

I thank you for giving me the opportunity to address this meeting. I represent the International Lesbian and Gay Association (ILGA), a world wide umbrella organisation of some 400 non-governmental organisations righting discrimination against homosexual women and men.

Our organisation has been participating in CSCE meetings which deal with human rights for three years now. We have spoken with most delegations, presenting our demands for inclusion of non-discrimination based on sexual orientation as a CSCE commitment in a binding document. At the Third Meeting of the Conference on the Human Dimension in Moscow in 1991, the delegations were confronted with our demands for the first time, but no delegation put forward a proposal in the deliberations. At the 1992 Follow-Up Meeting in Helsinki, the Norwegian delegation introduced such a proposal, but it was met

with reservation. ILGA representatives also participated in the Human Dimension Seminar on Tolerance in Warsaw in 1992 and at the First Implementation Meeting on Human Dimension Issues in the Polish capital in Fall 1993. On both occasions, we had the opportunity to present oral statements in the plenary.

The Report of the 1993 Implementation Meeting, for the first time in the history of the Helsinki process, made reference to the issue of non-discrimination based on sexual orientation which is a real milestone. I quote:

"Participants pointed to groups which were not "national minorities" but which none the less suffered discrimination, including women, homosexuals, migrant workers, and conscientious objectors..."

It was pointed out that CSCE commitments in the area of non-discrimination cover homosexuals as well. suggestions were made that discriminatory State policies against homosexuals, and criminalizing legislation, should be eliminated."

This Report, however, is not a binding document. Thus, we are here again to convince you, the delegations of the 53 participating states, that it is necessary to also protect your gay and lesbian citizens from discrimination based on their sexual orientation and to include, accordingly, a clause in the Budapest Document because we feel that, if not explicitly mentioned, this commitment might not be taken serious by some participating states.

It would be disappointing if the CSCE continues to be the only major European and international human rights platform that does not speak out against discrimination based on sexual orientation and does not phrase any protection from human rights violations against lesbians and gay men in its basic documents.

Lately, we have witnessed remarkable progress and important achievements in the recognition of the human rights of homosexual women and men at the international level:

In March 1994 the United Nations Human Rights Committee ruled that the rights of lesbians and gay men to privacy and equality were guaranteed by the provisions of the international covenant on civil and Political Rights. The Committee noted that the reference to "sex" in articles 2 and 26 of the covenant is to be taken as including sexual orientation. For us in the lesbian and gay rights movement, this is the most important decision to date in the international human rights law.

Another recent landmark achievement was the adoption of the Resolution on equal rights for homosexuals and lesbians in the EC by the European parliament in February 1994. In this Resolution, the EP calls on the Member States to repeal all anti-homosexual legal provisions and to end any discrimination on the basis of sexual orientation.

On the first summit meeting of the Heads of State and Government of the member states of the Council of Europe, which took place in Vienna in October 1993, a Declaration and Plan of Action on combating racism, xenophobia, antisemitism and intolerance which, in our view, also includes lesbians and gay men, was adopted.

We would like to stress again how disappointing it would be if the CSCE remained behind the human rights standards already set forth by the United Nations and the Council of Europe. Details of these recent achievements, you will find in the Written Presentation of our organisation which has been distributed to all delegations.

In practice, this means that those OSCE participating States which still have provisions in their laws discriminating against lesbians and gay men should repeal these laws:

To our knowledge, the penal codes of Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Uzbekistan and, as was mentioned before, of more than 20 States of the USA still provide for a total ban on homosexual relations.

Discriminatory ages of consent still exist in the penal codes of Austria, Bulgaria, Finland, Hungary, Liechtenstein and the United Kingdom.

The penal codes of Austria, Finland and Liechtenstein prohibit positive information on homosexuality, thus violating the fundamental freedom of thought and expression. In Austria this law has also led to the confiscation of AIDS prevention material for gay men, thus contributing to the further spread of this pandemic.

I am not going to repeat the concrete examples of human rights violations which my colleague presented to you in this working Group two weeks ago speaking to agenda items II b and c.

In concluding, we repeat our demand to this Review Conference to lay down in a clause of the Budapest Document the commitment to non-discrimination based on sexual orientation and the protection of the human rights of homosexual women and men.

The joint statement of Norway and the Netherlands which was just given by the distinguished Dutch delegate, and for which I would like to especially thank him, gives us hope that this may finally happen.

Romania

A fax received from the League for the Defence of Human Rights in Romania the 22nd of November 1994 informs us that:

"The deputies decided yesterday, with a majority of votes, that homosexuality be punished by 1 to 5 years imprisonment. In other words, the proposal of Mr. Razvan Dobreson (PNTCD) was approved and the provision of the present Criminal Code (that is, the one inherited from the Ceausescu regime) was maintained.

This happened in spite of the requests done by the Council of Europe that relations between persons of the same sex should not be punished. In this winter, the Senate adopted a formula by which homosexuality was punished by 1 to 5 years imprisonment, if public scandal occurred. The Juridical Commission of the Chamber of Deputies has suggested the punishment of the relations between people of the same sex if they were done in public. Most of the deputies of the National Peasants Christian Democratic Party (PNTCD) who spoke maintained that homosexuality contravenes the Christian morals.

As a reply, the liberals and the deputies of the Democratic Union of the Hungarians in Romania (UDMR) emphasized that one must not mistake sin for offence and that, after all, they were talking about an issue of individual freedom. They also invoked the right to private life, which was also provided for in the constitution.

In spite of all these arguments, the majority of the deputies voted for the punishment of the homosexuals. Taking into account the fact that there are diverging points between the text voted by the Senate and the one adopted by the Chamber of Deputies, it is necessary that a Commission for mediation be established. There is the possibility that the text of the Commission could alter the text adopted yesterday by the deputies."

CSCE Report on Human Rights in Romania

In a report prepared by the staff of the Commission on Security and Cooperation in Europe it is said about Sexual Orientation:

Although sexual orientation is not explicitly mentioned in CSCE documents, it is steadily being discussed as part of the CSCE human dimension. A number of national delegations and NGOs called for heightened attention to sexual orientation at the 1992 Helsinki Follow-Up Meeting, and it was among the subjects of discussion at length at the 1993 Implementation Meeting on the Human Dimension. As the rapporteur's summary of that meeting noted: "It was pointed out that CSCE commitments in the area of non-discrimination cover homosexuals as well. Suggestions were made that discriminatory State policies against homosexuals, and criminalizing legislation, should be eliminated."

The human rights of gays and lesbians in Romania acquired particular political significance in late 1993, when Romania was granted full membership in the Council of Europe (CoS). At that time, the CoE made clear its expectation that Article 200 of the Romanian Penal Code would be revised in conformity with CoE standards. Article 200, Paragraph 1, in its original form, imposed a total ban on gay and lesbian relations with a prison sentence of one to five years. According to the Romanian Helsinki Committee, there are currently 37 individuals imprisoned under Article 200, of whom three were convicted solely for having consensual same sex relations with another adult.

The Romanian Independent Society for Human Rights (SIRDO) was the first domestic non-governmental organization to address the human rights of gays and lesbians in Romania, establishing a Commission For Gay and Lesbian Right in May 1991. Since that time, other NGOs including the Romanian Helsinki Committee and Group 200 have adopted sexual orientation as a focus of their work. International human rights organizations like Amnesty International and the International Human Rights Law Group have also expressed concern about the human rights of gays and lesbians in Romania.

Pressured by domestic and international human rights and gay and lesbian associations, the Senate amended Article 200 in February 1994. The amendments failed to satisfy human rights concerns, however; according to the International Gay and Lesbian Human Rights Commission, the "much touted reform is only a cosmetic change that will not end or lessen the Romanian government's ongoing juridical persecution of gays and lesbians.

The Senate's version of the text now states that sexual relations between individuals of the same gender are punishable with jail sentences of one to five years if such relations result in "public scandal," though what constitutes a public scandal is not defined in the statute. The age of consent for homosexual relations is higher than that established for heterosexual relations; similarly, criminal penalties for homosexual conduct are more rigorous than those imposed for crimes involving analogous forms of heterosexual conduct. In addition, the Senate added prison terms of one to five years for "encouragement or allurements of individuals, with a view to the perpetration of the deeds described in the above paragraphs, as well as propaganda actions, associations, or any other proselytizing actions carried out in view of the same purpose..." - a restriction that human rights activists fear could be used against gay publications, organizations, or establishments.

The amended text was passed to the Chamber of Deputies for consideration, and in late April 1994, the Juridical Committee of the Chamber of Deputies passed a modified version of the article. In the view of a number of human rights organizations, the changes were quite favourable: changing "causing a public scandal" to "perpetrated in public;" striking the paragraph that would have criminalized "propaganda," "proselytizing," and associations; and reducing some of the jail terms.

There has not been any further action on Article 200 in the Romanian parliament since that Committee decision. Article 200 is being considered along with amendments to the entire Penal Code, and, as of this writing, deliberation about the amendments in the Chamber's Juridical Committee has been temporarily suspended. The amendments will be reported out by the Committee as a whole once the article-by-article deliberation has been completed. Then the package will be scheduled for floor debate and, if the Committee's recommendations on Article 200 are confirmed, it and any other article inconsistent with the Senate package will go to a Mediation Committee. If the Mediation Committee fails to reach agreement, there will be a joint session of the parliament to vote on it line-by-line.

For the time being, Romania's gay community lives under the threat and stigma of the current legislation and hostile social attitudes. Credible allegations of police entrapment and abuse of homosexuals have been recorded by international and domestic NGOs, and a number of gay Rumanians have claimed that the police use blackmail or extortion tactics threatening to reveal their sexual orientation to force 'them to

"out" other members of the gay community. There have also been credible reports of physical and psychological harassment of homosexuals detained by the police. As long as homosexual activity by consenting adults retains criminal status, Romania's gay men and women will continue to suffer persecution.

Romania - situation outline

Compiled by *Yves Nya Ngatchou*
For the ILGA European regional conference - Helsinki 1994

Article 200, paragraph 1 of the Romanian penal code is a provision of law that punishes "sexual relations between persons of the same sex" with 1 to 5 years' imprisonment.

In 1993, upon revising Romania's candidacy to the Council of Europe, the rapporteurs made it clear in their reports that serious consideration should be given to decriminalizing adult consensual relations between same-sex persons. In October 1993, Romania was admitted to the CoE. At that time, the Council of Europe's Parliamentary Assembly indicated that "Romania will shortly change its legislation in such a way that. Article 200 of the penal code will no longer consider as a criminal offense homosexual acts in private between consenting adults". Romania signed the European Convention on Human rights in November 1993 and ratified it in June 1994.

Throughout 1993 and 1994, a group of activists visited several Romanian penitentiaries to document the situation of homosexual detainees. Despite the repeated denials by officials, in November 1993 as many as 57 men were in prison under different paragraphs or Article 200. Of these, three were imprisoned solely under paragraph 1. Investigations in those cases showed a recurrent pattern of beatings by the police, extortion of facts, torture, and mistreatment of all sorts. Disturbing stories exemplified the invasiveness of police and prosecutors hungry for evidence of private acts.

The latest lists provided by the Ministry of Justice shows that 56 men are currently imprisoned under Article 200. of these, one (in the penitentiary of Aiud) is serving a one-and-a half year term solely under article 200, paragraph 1.

in January and February 1993, the police in the Transylvanian city of Sibiu began arresting suspected homosexuals. Five persons were eventually jailed, and charged under Article 200, paragraph 1. All were pressured to incriminate a prominent newspaper

publisher who appeared to be the target of the investigation, and whom police believe had sexual relations with them. When enough evidence (!!?) had been collected, police also arrested the publisher. In September 1993, lawyers for the publisher referred the matter to the Constitutional court.

Having agreed to hear the appeal, the Court ruled in July 1994 that Article 200, paragraph 1 in its present formulation was unconstitutional " to the extent to which it applies to sexual relations between adults of the same sex, freely consummated, not committed in public or not causing public scandal". A recent proposal of the Parliament to amend paragraph 1 was recently reversed by a vote that stopped the entire revision of the penal code. As of today, Article 200, paragraph 1 remains unchanged.

A case in the city of Timisoara in 1993 offers clear evidence of the power of Article 200, paragraph 1 to maim the lives of the young. In January 1993 two young Rumanians were arrested by the police and placed in preventive detention for having lived together - freely and consensually. Police and prosecutors gave the case extensive publicity; their names and addresses were later published in national newspapers. The two came to trial in June 1993 and were both convicted to suspended sentences. While the two were free, their ordeal was far from being over. The suspended sentences (one and two years respectively) could be reimposed should they be caught in a second "offense"; both strongly felt their lives dominated by fear.

The suspended sentences were largely due to pressure from the international community. ILGA and many other international and local organizations have been instrumental in this respect, in documenting, publicizing, and mounting awareness in instances where gay and lesbian rights were at stake. Within two years, homosexuality has become an issue of public debate in Romanian press and among urban circles. Two established human rights organizations - SIRDO and the Romanian Helsinki Committee - had sexual minorities among their programs. In fact the visits to the penitentiaries were made possible by the latter organization.

In February 1992, Total relations, the first gay and lesbian group was formed. In February 1993, a second one, Group 200, more politically inclined, was created. They have both sent delegates to ILGA conferences in the past. unfortunately, both are defunct by now, having succumbed to internal fights and, most importantly maybe, to the society's highly disapproving view of homosexuality. The public still

clings to the idea of a traditional, orthodox Romania that can stay uncorrupted by foreign inspired deviances and perversions.

Publicly self-identified gay men in Romania are few. Publicly self-identified lesbians are virtually non-existent. Not just the law but all the structures of a strongly male-centred and patriarchal society ensure that lesbian visibility will be extremely slow to develop. Social pressure for women to marry at an early age is matched by economic pressure redoubled amid the current crisis - which makes it almost impossible for women to lead independent lives. Hence, the very existence of lesbian identities or of any homosexual community which might come to the attention of the police is tenuous and inchoate at best.

A persistent rumour has it that there is lesbian group in Ploiesti, an industrial city 50 kms north of Bucharest but there is no evidence to corroborate this. The same goes for a private gay club in Constanta, a city by the black sea: it is so private no one knows anything certain about it! These examples are just reflecting how gay and lesbian life goes in Romania: with abundant rumours and very little certitudes.

For most of the younger Romanian homosexuals, emigrating seems to be the only way out, with an increasing trend of young taking advantage of the asylum laws in other European countries.

Albania

The prime minister of Sweden Ingvar Carlsson has send this letter as a response to a fax from Bjørn Skolander of Uppsala:

"Thank you for your fax giving information about violations against gays in Albania. It is, as you know, only four years since the communist regime in Albania fell, and the country could begin the arduous road away from oppression and isolation from the surrounding world. Seen from this perspective it must be said, that Albania has made important progress.

Still the country, however, has a long way to go before democracy and the respect for human rights has been consolidated. During this latest year alarming reports have come regarding human rights violations in Albania, especially concerning general imperfections of the functioning of the legal system, but also in form of authorities' violations against

certain groups in the Albanian society, including homosexuals.

The Swedish government has on several occasions demanded, that this unsatisfactory state of affairs has to be dealt with. The government has also asked the Swedish Embassy in Rome, which is responsible even for Albania, to investigate the circumstances regarding the specific case of violation, which is referred to in your fax.

Sweden will even in future, in international forums and through bilateral contacts, try to influence Albania to improve its respect for human rights, including the situation of gays. At the preparation of Albania's application for membership of the European Council the respect for human rights will of course be dealt with thoroughly." (Translated by Bjørn Skolander).

ILGA's EU policy

The following resolutions were passed at the Helsinki conference are:

ILGA should take an active and coordinating role in promoting lesbian and gay rights within the policies of the European Union. ILGA should influence the institutions of the European Union in order to gain full equality for lesbians and gays in the European Union as well as in all member states.

ILGA should work for the inclusion of an anti discrimination clause covering sexual orientation in a new or revised treaty, in accordance with the European Parliament resolution of 1994 (Roth report)

ILGA should work for the redefinition of the term 'legal spouse' to include homosexual relationships with or without registered partnerships.

ILGA should work for the inclusion of gays, lesbians and their children in the concept of family, including the right to family life. Furthermore ILGA should work for

- recognition of same sex partnerships
- abolishing of discriminatory provisions in the partnerships laws
- adoption possibilities for gays, lesbians and same sex couples
- the right to artificial insemination for lesbians
- the right to joint custody and authority for same sex parents.

ILGA should work for the adoption of EU measures to effectively combat sexual orientation based discrimination, notably in the field of employment.

Important votes in the European Parliament

Two votes in the European Parliament in this weeks session (12-16 december 1994) are of importance of the lesbian and gay community.

Winding up a debate initiated by the PPE (European christian democratic peoples party) on the closure of the UN Year of the Family European Parliament with a majority of 314 over 72 adopted last wednesday a resolution on policies concerning the family and family units in the European Union.

A compromise resolution was drafted by Lizzy Groener,(German) on behalf of the Socialist Group, Mrs. Lenz (German) and Bartho Pronk (Dutch) on behalf of the PPE, Nel van Dijk(dutch, chair of the EP Committee on Women's Rights) on behalf of the Greens, Mrs. Leperre-Verrier (French) on behalf of the Radiacal Group (ARE) and Mr Gonzelvez Alvarez (Spanish) and Sornosa, Aramburu, Sierra, Pailler, Castellina, Elmalan, Theonas and Papayannakis on behalf of the Confederal group of the European United Left.

Another compromise resolution was drafted by Forza Europa,The Gaullist RDE and Europe of the Nations, all groups from the right side of the house. The first text was a rather balanced one including remarks relevant for gay and lesbian couple. In its considerations leading to the conclusive it refers to the changes that occurred in family structures, implicity including same sex relationships. The compromise includes in its conclusions several paragraphs of interest to gay and lesbian rights:

6. "Further considers that family policy should include the recognition of different households, including non-traditional and alternative families without any form of discrimination;"

12. "Underlines the need to adapt family legislation to the changes that have occurred in the function and structure of the modern family at the national as well as the European level;"

14. "Urges the Commission to present proposals to eliminate the restrictive provisions in the common agricultural policy where 'legal spouses' are concerned;"

15. "Urges the commission to pay equal attention to all durable forms of "zusammenlebens"(cohabitation (heinv)) with regard to the fight against poverty, support of handicapped people, employment initiative and the development of human resources"

The voting

The compromise resolution of the extreme right wing was voted out with simple vote by rising hands(no record available). In the final vote paragraph 6, that was an important element in the compromise fell out after a draw vote of 191/191 with 9 abstentions. Remarkable that the Dutch liberals from both VVD and D66 with the exception of Gijs de Vries, Chair of the Liberal Group in the Parliament, voted against, abstained or did not take part at all. This vote took place after an intervention of the Chair, Mrs. Pery (French Socialist), dealing with major translation errors in the German, Italian and French texts, thus confusing the debate. After this break of compromise the left side voted out a major paragraph from PPE origin, dealing with financial reliefs for families of a more traditional character. (173 for 225 against 8 abstentions, and 155 for and 200 against, 37 abstentions).

The final vote on the amended compromise, that now included the paragraphs 12,14 and 15, was adopted with 314 for and 73 against.

The whole of the Green Group, several socialists from Denmark and Belgium, the whole liberal group minus two, and the extreme right voted against or abstained. The Greens and a minority of socialists did so as the important paragraph 6 had fallen out. Remarkably the Forza Italia faction minus one voted in favour so supporting the rather progressive elements it contains.

However the final result is rather positive as the intention of the right side of the house to call for a restoration of the traditional nuclear family with exclusive heterosexual character was blocked.

The Italian Forza Europa claimed a major victory next day in the Italian press, obviously not realizing they in fact gave in on their major point on the family as society's cornerstone.

European Parliament in session in Strasbourg also adopted a urgent resolution condemning Russia for its legislation concerning HIV testing for foreigners visiting the country.

Lesbians and gay men in the ethnic minorities

At the Helsinki conference of ILGA the following resolution was passed:

The EU working party should consider approaching the European Union for specific funding for projects in the first instance to review the position regarding lesbians and gay men within the ethnic minorities, and in the second, the response of lesbian and gay organisations to the need of ethnic minorities.

Members of the working party are asked to comment on this resolution and forward proposals how we shall deal with it.

New members of European Parliament

The new Swedish, Finnish and Austrian members of the European Parliament should be informed about ILGA's policy and attitudes towards the EU.

Member groups of the EU working Party in Sweden (RFSL), Finland (SETA) and in Austria (HOSI) are asked to contact their members in order to inform them about ILGA and its policies.

New AIDS proposal in EU

Proposal for a European Parliament and council decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee

Having regard to the opinion of the Committee of the Regions,

Whereas the prevention of diseases, in particular the major health scourges, including drug dependence, is a priority for Community action, requiring a global and coordinated approach between Member States;

Whereas AIDS is at present an incurable disease which, given its modes of transmission, can only be effectively combated by preventive measures;

Whereas the plan of action adopted by Decision 91/317/EEC of the Council and the Ministers for Health of the Member States, meeting within the Council in the framework of the "Europe against AIDS" programme expired at the end of 1993;

Whereas, in their conclusions of 27 May 1993, the Council and the Ministers for Health, meeting within the Council, emphasised the need to continue the activities of the "Europe against AIDS" programme;

Whereas, in consequence, the Commission submitted to the Council on 29 September 1993 Proposal for a decision concerning the extension to the end of 1994 of the 1991-1993 plan of action adopted in the framework of the "Europe against AIDS" programme, to ensure continuation of the Community actions to combat AIDS pending the adoption of a multi annual action programme; whereas the Council adopted on 2 June 1994 a common position concerning that proposal(7), with a view to extending the "Europe against AIDS" programme to the period 1994-1995;

Whereas, in its conclusions of 13 December 1993 of the Council agreed that it was necessary for the Community as a whole to acquire a better knowledge of diseases on the basis of their causes and their epidemiological context;

Whereas, in the same conclusions, the Council emphasized that all smooth running of a network for gathering epidemiological data requires that theoretical training in epidemiology and practical preparation in epidemiology in the field be developed for the teams participating in the network;

Whereas in their resolution of 13 November 1996% the Council and the Ministers for Health meeting within the Council invited the Commission to consider the existing arrangements which provide for cooperation between Member States in the field of monitoring and control of communicable diseases;

Whereas the actions undertaken at Community level in the field of AIDS need to be continued and extended to cover certain other communicable diseases, and also to be consolidated within the framework of the action in the field of public health set out by the Commission;

Whereas the actions must take into account, as the Council requested in its Resolution of 27 May 1993,

other actions undertaken by the Community in the field of public health or having an impact on public health;

Whereas in its Resolution of 2 June 1994 concerning the framework for Community action in the field of public health, the Council agreed that priority should be given at present to AIDS and other communicable diseases;

Whereas, in accordance with the principle of subsidiarity, actions on matters not within the exclusive competence of the Community, such as action on HIV/AIDS and communicable diseases, should be undertaken by the Community only when, by reason of its scale or effects, its objectives can be better achieved at Community level;

Whereas cooperation with the competent international organizations and with non-member countries should be strengthened;

Whereas a multi annual programme is required, defining the objectives of Community action, the priority actions for the prevention of AIDS and other communicable diseases, and the appropriate evaluation mechanisms;

Whereas the objectives of this programme must be to contribute towards improving knowledge concerning the prevalence and patterns of HIV/AIDS and other communicable diseases, improving recognition of risk situations and improving early detection and social and medical support, with a view to preventing the transmission of communicable diseases and thus reducing the associated mortality and morbidity,

Whereas, from an operational point of view, past actions to establish European networks of nongovernmental organizations and to mobilize resources should be maintained and developed;

Whereas possible duplication of effort should be avoided by the promotion of exchanges of experience and by the development of information materials for the public, health educators and those who train the health professions;

Whereas this programme should be of five-year duration in order to allow sufficient time for the various actions to be implemented and to achieve the objectives set,

HAVE DECIDED AS FOLLOWS:

Article 1

A Community action programme on AIDS and certain other communicable diseases is adopted for a five-year period.

Article 2

The Commission shall ensure implementation of the actions set out in the Annex in accordance with Article 5 and in close cooperation and partnership with the Member States. The institutions and organizations active in the field of the prevention of AIDS and other communicable diseases shall take part in them as well.

Article 3

The budgetary authority shall determine the appropriate available for each financial year.

Article 4

The Commission shall ensure that there is consistency and complementarity between the Community actions to be implemented under this programme and those implemented under other relevant Community programmes and initiatives.

Article 5

For the implementation of the programme the Commission shall be assisted by an Advisory Committee, hereinafter referred to as "the Committee", comprising two representatives from each Member State and chaired by a Commission representative.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee on the manner in which its opinion has been taken into account.

Article 6

1. The Community will encourage cooperation with third countries and with international public health organizations, in particular the World Health Organization.

2. The EFTA countries, in the framework of the EEA Agreement and the countries from Central and Eastern Europe with whom the Community has concluded

association agreements may be associated with the activities described in the Annex, according to the provisions of those agreements.

Article 7

1. The Commission will regularly publish information on the actions undertaken and opportunities for Community support in the various fields of action.

2. The Commission will submit to the European Parliament, the Council, the Economic and Social Committee, and the Committee of the Regions a mid-term report on the actions undertaken, as well as an overall report at the end of the programme.

ANNEX

COMMUNITY ACTION PROGRAMME CONCERNING THE PREVENTION OF AIDS AND OTHER COMMUNICABLE DISEASES

I. ACTIONS ON HIV/AIDS AND SEXUALLY TRANSMITTED DISEASES

A. Data collection

1. Exploration with Member States of ways to increase and improve AIDS and HIV data at the Community level, and provide support to strengthen the work of the national epidemiological surveillance systems and the European Centre for the Epidemiological Monitoring of AIDS.

2. Gather, analysis and dissemination information concerning preventive measures and the knowledge, attitudes and behaviour of the general public and target groups; promotion of the development and use of measures for assessing effectiveness and new surveys where existing information is inadequate, including Eurobarometer surveys.

B. Measures for children and young people

3. Encouragement of initiatives to ascertain and disseminate information about children's and young people's knowledge, attitudes and behaviour in relation to HIV/AIDS and STDs, to examine current practice in providing them with information both within and outside formal settings such as schools and training institutions and to promote the exchange of educational and training material, and the setting up of pilot projects and networks.

C. Prevention of HIV and STD transmission

4. Examination and exchanges of information on problems and situations related to groups at risk (drug users, sex workers, homosexuals and bisexuals), risk situations (mobile populations and border areas, penal institutions); and modes of transmission; exchange of experience on harm-reduction measures and preventive actions, and promotion of appropriate preventive measures and of pilot projects.

5. Promotion of information, advice and counselling to pregnant women who may be at risk of transmitting HIV to their babies; exchange of views and experience on screening pregnant women; and co-ordination of research on minimizing mother-child transmission.

D. Social and psychological support and combatting discrimination

6. Exchanges of experience and information concerning models of assistance and support, including the particular difficulties facing families with infected members, and concerning policies and practices on screening and discriminatory situations, promotion of analyses and pilot projects on the psychosocial aspects of the disease, and the setting up of networks of organizations providing information and assistance.

II. SPECIFIC COMMUNITY MEASURES FOR CERTAIN COMMUNICABLE DISEASES

A. Actions related to vaccination

7. Support for initiatives designed to produce information on levels of vaccination cover in the Community, especially among children, at-risk groups and persons living in certain risk situations, against communicable diseases preventable by vaccination; promotion of initiatives designed to improve the vaccination cover of the general public, and especially of at-risk groups and persons living in certain risk situations; encouragement of measures designed to match vaccination schedules to the epidemiological context.

B. Creation and development of networks

8. Contribute to improving the quality of Member States' surveillance systems, taking into account the views of servers and users, and assist in the development of networks, based on agreed methodologies and conditions of transmission of information, prior consultation and coordination of responses.

9. Promote knowledge and exchanges of experience on the ways in which surveillance results of nosocomial infections are analyzed, processed and

used by the actors in the field, and encourage actions to increase awareness of the problems and inclusion of comparable and reliable data on nosocomial infections in routine surveys concerning hospital conditions, and support the creation of new surveillance networks for such infections.

10. Contribute, in particular by the provision of the logistical support necessary, to the production and dissemination of a regular information notice and of a European Community bulletin on communicable diseases surveillance, comprising both routine surveillance data and reports on specific investigations.

C. Information, education and training

11. Encouragement of exchanges between Member States on information campaigns at all levels, development of ways of linking and reinforcing campaigns, such as provision of specific materials; and utilisation of telephone and other response mechanisms, and development and promotion of activities to complement national efforts, including the setting up of networks and the exchange of experience and expertise.

12. Examination of current training programmes for health and, other professionals, and for those whose work brings them into contact with certain communicable diseases; identification of weaknesses and gaps, and devising and promotion of new further training opportunities and programmes.

13. Improvement of public health practices with regard to the routine surveillance of infectious diseases and epidemic outbreaks whenever and wherever these occur in the Community; development of a Community network of public health epidemiologists with a view to defining common methods and tools and enhancing the capacity for coordinated response.

D. Early detection and systematic screening

14. Promotion of investigations on the effectiveness and feasibility of screening for certain types of communicable diseases (tuberculosis, hepatitis, etc).

15. Support for the training of health personnel, in particular in the context of early detection and systematic screening of communicable diseases; cost-benefit analysis of screening for different types of communicable disease, in particular among pregnant women.

INDEX TO LETTER 1-10, EC-LETTER 1 AND EURO-LETTER 1-29

This is the first part of an index to the Euro-letter. We have collected the most important issues from the 40 letters that have been written since LBL in 1991 overtook the task of informing the working party about COE/CSCE.

Any comments on the collection of issues are very welcome. The CSCE part will follow in next EuroLetter.

Some practical information:

The first ten letters are only dealing with COE and CSCE. Number 1 from January 91, number 2 February 1991 and number 3 May 1991 and so on up to 10. All these are in the index named L and the number.

One EC-letter was sent out in 1992. It is named EC in the index. The remaining EuroLetters are named with the number in the index.

EUROPEAN UNION (EU)

Aids	EC, 29
Antidiscrimination	
campaign	12, 22
Code of practice	EC, 1, 2
Committee of regions	26
ECAS (including seminar)	EC, 1, 12, 15, 17, 19, 28
EGALITÉ	17, 25, 29
Employment	29
EU	
Staff regulations	17, 22, 29
Structure	20
Family	EC, 1, 10, 17, 21, 29
Funding	EC, 2, 18, 25, 29
Forum for L&G Rights	EC, 10, 18, 29
"Homosexuality - a Community Issue"	EC, 1, 6, 7, 10, 12, 13, 29
Lesbian Visibility	EC, 9, 22, 29
PHARE-Project	9, 13, 18, 22, 27, 29
Roth-Report	EC, 1, 2, 5, 7, 10, 12, 16, 22, 23
Sitges 92	7, 9, 10
Sitges 94	22, 25, 28, 29
Social Policy	19
Test cases	EC, 10, 29
Working Party	
Members	EC, 7, 12, 18
Structure	12, 25, 26, 29
Task	EC, 7, 10, 12, 19, 29

COUNCIL OF EUROPE (CoE)

Additional protocol to The European Convention on Human Rights	L1, L2, L3, L4, L5, 6, 7, 12, 18
Aids and hiv	LI, L5, 8
CoE	
Member states	L2, 11, 21
Membership application	L1, L4, L5, L6, L7, L10, 1, 7, 10, 12, 13, 14, 17, 16, 19, 20, 21, 22, 23 22, 23, 26, 27, 29
Albania	22, 23, 26, 27, 29
Baltic States	16
Romania	12, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
Country by country survey	8, 13, 16, 15, 22, 24, 29
Cyprus	4, 16
Gibraltar	2, 12
Ireland	1, 7, 12
Isle of Man	1, 2, 4
Family law	18, 20
ILGA as NGO	L1, L4, 7, 9, 12, 22, 29
ILGA as NGO in UN	15, 18
Working party Task & members	7, 12, 18
World Conference on Human Rights	11, 12, 13