

# EURO-LETTER

No. 49

April 1997

The Euro-Letter is published on behalf of ILGA-Europe - The European Region of the International Lesbian and Gay Association - by The Danish National Association for Gays and Lesbians in cooperation with Gay and Lesbian International Lobby. Editors: Steffen Jensen, Ken Thomassen, Peter Bryld, Lisbeth Andersen and Soeren Baatrup.

Contact to Euro-Letter:

E-mail: [steff@inet.uni-c.dk](mailto:steff@inet.uni-c.dk)

URL: <http://www.inet.uni-c.dk/~steff>

Fax: +45 2036 7856

Tel: +45 3124 6435 (from 13 May 1997: +45 3324 6435)

Mobile: +45 2033 0840

Mail: c/o Steffen Jensen, Gl. Kongevej 31, 4.th, DK-1610 Copenhagen V, Denmark

You can receive Euro-Letter by e-mail (send a message to the above adress) and from no 30 onwards the Euro-Letters are available on the Internet at

<http://fglb.qrd.org:8080/fqrd/assocs/ilga/euroletter.html>

<http://www.qrd.org/qrd/www/orgs/ILGA/euroletter>

An Italian translation of EuroLetters from no 47 can be found at <http://www.geocities.com/~pride/el.htm>

You can find a link to Euro-Letters at <http://www.inet.uni-c.dk/~steff>

## IN THIS ISSUE

- **DUTCH PRESIDENCY DELETES NON-DISCRIMINATION BASED ON AGE, DISABILITY AND SEXUAL ORIENTATION**
- **UP DATE ON THE EU NON DISCRIMINATION CLAUSE**
- **DUTCH GOVERNMENT RULES OUT EUROPEAN EQUALITY FOR OLDER PEOPLE, LESBIANS AND GAY MEN AND DISABLED PEOPLE**
- **FURTHER UPDATE ON THE NON-DISCRIMINATION ARTICLE IN THE NEW EU TREATY.**
- **EUROPRIDE '97 - POLITICAL STATEMENT**
- **SPANISH PARLIAMENTARY DEBATE ON PARTNERSHIP BILL HAS PUT THE GOVERNMENT IN A DIFFICULT POSITION**
- **IGC-MINISTERIAL MEETING: PROPOSAL TO SUPPRESS EU CITIZENS' RIGHT TO SEEK ASYLUM**
- **DUTCH GAYS WILL HAVE TWO WAYS TO GET HITCHED**
- **BRITISH MILITARY CASE GOES TO EURO COURT**
- **SWEDEN: INCITEMENT TO HATRED AGAINST GAYS REMAINS LEGAL**
- **POLAND BANS GAY MARRIAGE**
- **ILGA-EUROPE LAUNCHES A PROPOSAL FOR AN EU ACTION PLAN**
- **THE ACTION PLAN**

The Action Plan and other documents relating to ILGA-Europe can be found at ILGA-Europe's homepage <http://inet.uni-c.dk/~steff/ilgaeur.htm>

An update of the Survey on the Legal Situation for Gays and Lesbians in Europe and guides to the structure of the European Union, the Council of Europe and The Organisation for Security and Cooperation in Europe can be found at <http://www.inet.uni-c.dk/~steff/gilil.htm>

Since EuroLetter 48 the development of the possible antidiscrimination clause in a new EU treaty has changed twice

### **DUTCH PRESIDENCY DELETES NON-DISCRIMINATION BASED ON AGE, DISABILITY AND SEXUAL ORIENTATION**

*Press release, Dutch Groenlinks*

Nel van Dijk, MEP for Dutch Groenlinks, has published new confidential documents of the Dutch Presidency on the internet. The internet address is <http://www.xs4al.nl/~nelvdijk>.

The new documents deal with the fundamental rights of the European citizens and the equal treatment of women and men.

The Dutch Presidency wants to restrict the non-discrimination clause to gender, race and religion. Thus the Dutch government is substantially narrowing down the more comprehensive non-discrimination clause as proposed by the Irish Presidency, which included also social origin, age, disability and sexual orientation.

The proposals in relation to equal treatment are harmful for democracy, as the proposed qualified majority voting cannot be controlled by any parliament. In the mean time it is completely unclear what will happen to the Social Protocol, that under certain conditions, gave more controlling competencies to the European parliament, then today's Dutch proposals.

The Dutch Presidency argumentation to restrict the categories of discrimination reads: "The Conference could rather consider whether those concerns wouldn't be better addressed in the context of the existing substantive policy provisions (e.g. social policy, education, vocational training and youth, public health)."

Nel van Dijk (GroenLinks) considers it a nonsense argument: "The European Commission over the last years repeatedly complained that there is no European legal basis e.g. to tackle discrimination of gays and lesbians in Europe. They even cannot charge a Commissioner for coordination of these policies as there is no provision in the Treaties.

The Dutch government just is trying to block any future European policy in this area. The Irish, Austrian and Italian governments in earlier stages of the IGC have submitted more far reaching proposals and one could not say that these governments are the vanguard of gay and lesbian liberation.

Deleting age and handicap from the list reminds me of a kind of fear of flying. The Dutch obviously suffer from "the Law of Brakes of Progress"(\*). It is all about provisions that should have no direct effect and only could work properly if the Commission takes initiatives, on which European Parliament only has to be consulted and moreover that has to be adopted by unanimity by the Council. Well I don't think this will quickly lead to expensive legislation. Anti-discrimination policy is not a matter of subsidiarity, flexibility or dough but just of decency."

### **UP DATE ON THE EU NON DISCRIMINATION CLAUSE**

*By Hein Verkerk*

*European parliament*

In March 13 European Parliament discussed the development of the negotiations in the IGC. Various speakers raised the question of the deletion of sexual orientation from the proposed non-discrimination clause.

Greens raised it and also the Dutch Christian Democrat speaker Mrs. Maij-Weggen referred to it. The Dutch government, holding the Presidency of the EU was severely criticised.

On March 14 th, European Parliament adopted a resolution on the development in the Intergovernmental Conference (IGC) on the revision of the Treaties of the European Union.

On the proposal of Nel van Dijk (Dutch Green) European Parliament stated the following on the deletion by the Dutch presidency, of age, disability and sexual orientation from the non-discrimination clause:

9. Strongly opposes and refuses the proposal by the Dutch Presidency to delete sexual orientation, age and disability from the anti-discrimination Article as put forward by the Irish Presidency;

10. Strongly opposes the Dutch Presidency proposal concerning equality between women and men and calls for the introduction of the co-decision procedure in this matter;

*Dutch Parliament*

On March 7th, following written questions to Dutch Minister of Foreign Affairs, the have been raised in Dutch parliament by Boris Dittrich (D66, left liberal), Mieke van der Burg (PVDA, social democrat) and Leonie Sipkes (GreenLeft).

1. Is the Dutch presidency willing to do efforts to include in the non-discrimination paragraph of the new treaty of the European Union (The Treaty of Amsterdam) a provision that discrimination based on sexual orientation explicitly will be forbidden ? If not, why not?
2. How do you estimate the chances that such a provision explicitly will be included in the final text of the treaty ?
3. Which member states do favour an anti-discrimination paragraph with direct effect ? Why, contrary to those countries, the Dutch government refuses such a direct effect ?
4. Do you know the resolution of the European parliament of January, 16 , 1997 (nr B-0040/97), according to which the non-discrimination clause should have direct effect for European citizens and that reads that the role of the European Parliament, in this area that is so important for the civil rights , should be enhanced by means of the co-decision procedure ? What is your reaction to this resolution ?

#### **DUTCH GOVERNMENT RULES OUT EUROPEAN EQUALITY FOR OLDER PEOPLE, LESBIANS AND GAY MEN AND DISABLED PEOPLE**

*Press release from ILGA-Europe*

**Secret documents of the EU Intergovernmental Conference, published on the Internet by Dutch MEP Nel van Dijk, reveal that the Dutch EU Presidency is trying to kill widely supported proposals which would have guaranteed equal treatment in European law for older people, lesbians and gays and disabled people.**

The highly secretive intergovernmental conference (IGC) which is preparing the revision of the European Union's Treaties has recently been opened up to wider public scrutiny by the publication on the Internet of working documents (so-called "non-papers") prepared by the Dutch Presidency of the EU. Dutch Green MEP Nel van Dijk has defended her decision to make these documents available to the European public saying, "I think interested citizens are entitled to know where we are heading."

Amongst the papers published is one on "Fundamental Rights and non-discrimination" in which the Dutch drastically cut down the scope of an earlier proposal of their Irish predecessors in the EU chair, to enable the EU to fight against discrimination.

The Irish proposal, which was based on the demands of the Austrian and Italian governments and the European Parliament and European Commission, aimed to give the EU the ability to adopt measures to combat discrimination against European citizens on the grounds of sex, race, ethnic or social origin, religious belief, disability, age or sexual orientation. This was already a much slimmed-down version of an earlier more ambitious proposal, but the Dutch have chipped away even more of the initiative. They insist on removing the terms "social origin", "disability", "age" and "sexual orientation" from the list. And through subtle changes in the language in the draft, they make it more or less impossible for the EU to adopt any new measures which would benefit even the categories that remain in the list.

Ironically, the document was published just days after the European Parliament had voted by a majority of 114 to demand that the EU put an end to any discrimination against its own employees on the grounds of race, political, philosophical or religious beliefs, sex or sexual orientation, and to remove age-limits for recruitment. The actions of the Dutch therefore seem to be flying in the face of the wishes of the EU's only democratically elected body.

"This is a set back to anyone who cares about human rights in the European Union," said Steffen Jensen, spokesman for ILGA-Europe, a organisation representing hundreds of gay and lesbian groups throughout Europe, "and it is a real slap in the face for disabled people, lesbians and gays and older people."

"Governments have been constantly assuring everyone of the importance of making the EU more relevant to individual citizens. Some governments, the European Parliament and the European Commission seem prepared to put these good intentions into practice by trying to eliminate discrimination from European legislation. But, astonishingly, it now seems that the Dutch - who traditionally are amongst the champions in defending gay and lesbian rights - want to prevent the EU from guaranteeing fundamental rights for European citizens."

The Dutch Presidency attempts to justify its position by saying that "...the Conference could consider whether these concerns [discrimination on grounds of disability, age, social origin and sexual orientation] wouldn't be better addressed in the context of the existing substantive policy provisions."

"This is nonsense," replies Steffen Jensen. "The European Commission has often claimed that the reason that it can't do more to fight discrimination

against lesbians and gays, for example, is because there are no 'existing substantive policy provisions' for doing so. The Dutch proposal is shockingly cynical. It gives the impression of progress in human rights, whereas in fact, it will change nothing at all."

"Our governments, and the Dutch government in particular, are now under the spotlight. We urge everyone who is concerned with human rights, and especially groups which represent older people, disabled people and lesbians and gays, to join together to reverse this trend in the negotiations. Does the Dutch government really believe that it is unacceptable to discriminate against a woman, but acceptable to discriminate against a woman in a wheelchair? Do they believe that it should be illegal to discriminate against a man who is black, but legal to discriminate against a black man who is also gay?"

#### **FURTHER UPDATE ON THE NON-DISCRIMINATION ARTICLE IN THE NEW EU TREATY.**

*By Hein Verkerk*

Today, Thursday, 20 th March, the Dutch Foreign Minister Hans van Mierlo, in the Committee on European Affairs of Dutch Parliament in The Hague, announced that the Dutch presidency will present a revised proposal on the non-discrimination article for the Treaty of Amsterdam.

He informed the Committee that the Dutch Presidency will re-introduce age, disability and sexual orientation in the categories of discrimination that can become subject of European legislation. From a so-called non-paper it had become clear that the Dutch EU Presidency had deleted these categories from the proposal as put forward by the Irish Presidency last December.

After the publication of the highly confidential document two weeks ago on the internet by Dutch GreenLeft member of European Parliament, Mrs. Nel van Dijk, (on <http://www.xs4all.nl/~nelvdijk>) the Dutch government met with heavy criticism of ILGA-Europe, the International Lesbian and Gay Association. The European Parliament adopted a resolution condemning the Dutch EU presidency asking to take up age, disability and sexual orientation again.

It was announced today that a document will be presented on short notice to the IGC, the Intergovernmental Conference, that is preparing the revision of the EU treaties, to be finalized next June at the Amsterdam European Summit Meeting.

#### **EUROPRIDE '97 - POLITICAL STATEMENT**

Gays and lesbians: towards a true European citizenship.

Since 1945, the different countries of Europe, traumatised by the events of the last two world wars, have decided to unite so that it could never happen again. They have been endowed with treaties or conventions, and institutions to make them work.

In 1950, the Council of Europe, created to safeguard and promote the principles of democracy and the human rights, published its "European Convention for the Protection Human Rights and Fundamental Freedoms", to which 40 states have now signed up.

In 1957 the Treaty of Rome began the great adventure that became the Common Market; from the E.E.C. (European Economic Community) of 6 countries to the European Union of 15, now engaged by the Maastricht Treaty. These treaties and institutions imply new rights and new duties: the promising result would be a common citizenship for Europeans.

The signatory countries of these treaties have undertaken to respect the principles of the founding texts, notably human rights and in particular freedom of thought, of expression, the right to respect for private life and the freedom of association.

However, it appears that certain citizens are "less equal" than others, notably homosexuals and bisexuals.

There are countries in Europe where homosexuality is still a criminal offence: Romania, Armenia, Azerbaijan, Georgia and Belorussia severely punish homosexuality. To a lesser degree, the United Kingdom, Portugal, Greece, Poland and Bulgaria, amongst others, have repressive legislation.

The age of consent for homosexuals remains, in certain countries, different from the age of consent for heterosexuals (the United Kingdom, Finland, Austria, Greece, Liechtenstein, Luxembourg, Romania, Albania, Croatia). The United Kingdom and Liechtenstein ban all positive representations of homosexuality.

Moreover, the legal recognition of the couple has been gained in only a very few countries: only Denmark, Norway, Sweden, Iceland and Hungary have enacted laws - even if they are not perfect - allowing two people of the same sex to be "united" legally and to enjoy rights comparable to those of heterosexual couples.

In all that concerns parenting for homosexuals or bisexuals, even if certain encouraging advances have been made here and there (Belgium, Iceland, The Netherlands, the town of Valencia), discrimination remains the norm around subjects such as adoption, custody or artificial insemination.

Europeans are not equal either in all that concerns people who are H.I.V. positive or sick: in certain countries real discrimination exists against these people, and access to health care is not always respected.

Such an inequality of rights in Europe is unacceptable.

We, Europeans, refuse to recognise these discriminations and demand an equality of rights for all citizens, no matter what their sexual preference.

We ask that all European states enact in their countries:

- Legislation against discrimination based on sexual orientation;
- legal recognition of same-sex couples;
- parental rights for all homosexual and bisexual people (right to adopt, to custody and artificial insemination);
- the right to health care and the guarantee of medical confidentiality for all the sick, notably those who have aids-related illnesses.

We ask the Council of Europe:

- To modify the Convention to allow homosexual and bisexuals to enjoy the same rights as heterosexuals;
- to urge the signatory countries to respect the different articles of the Convention;
- to refuse membership to new countries who continue to criminalise homosexuality.

We ask the Member States of the Council of Europe:

- To ensure that other countries respect fundamental rights as defined in the European Convention on Human Rights;
- to urge member countries to respect these fundamental rights.

We ask the Council of Ministers, the European Commission and the European Parliament, to work within their different jurisdictions, to ensure that the rights of European Union citizens are respected regardless of their sexual orientation.

We think that the Intergovernmental Conference represents an opportunity to introduce, in a future

treaty, a clause stipulating equal treatment and non-discrimination, notably in all that concerns sexual orientation.

Parallel to such anti-discrimination legislation the notion of citizenship should be exercised in all aspects of daily life. The very idea of citizenship involves a real and daily effort in everything (in education, at work, in health-care, in the arts and culture, in sports and hobbies, etc) to enable a real awakening of harmony between individuals.

This is why we particularly ask for more objective information for the young about sexuality. We protest the idea of censorship against people who try and present a positive image of homosexuality in the world of education or culture; we ask all concerned (the State local authorities, the educational and cultural world) to ensure that this censorship ceases to exist.

Also, Europe shares a tragic history: that of the Second World War and the concentration camps, where people were sent because of their sexual orientation. It is time for the concerned countries to recognise this specific deportation and respect the memory of those who were lost.

Finally, we, Europeans, wish to show our active solidarity with those foreign nationals who cannot live their own sexuality because of the impossibility or even danger, or with those who have aids-related illnesses and cannot get treatment. People should be granted asylum in the name of our common ideals.

Europe cannot only be a commercial, financial or military Europe; Europe is peopled by women and men who wish to share the same rights and the same duties.

We want a true Europe of citizens. We want a true European citizenship.

## **SPANISH PARLIAMENTARY DEBATE ON PARTNERSHIP BILL HAS PUT THE GOVERNMENT IN A DIFFICULT POSITION**

*By César Lestón*

As you may recall, the Spanish Socialist Party-PSOE and the Izquierda Unida-IU (former communist party plus a coalition of green and other left-winged parties) had submitted last October two bills providing a legal framework on the partnership issue.

The Fundación Triángulo, as well as other groups, had launched a campaign aimed at convincing the

christian-based Partido Popular, now in office, to vote in favor of the law.

The first debate on the issue took place at the end of March. Its aim was to decide whether the bill was receivable and thus continue the parliamentary proceedings or whether the issue was to be downright discarded.

Such debate took place on March 18th and certainly was everything but quiet...

The Government in office is in a minority position at the Lower House of Parliament (The Congress) and holds some 157 seats. The absolute majority is 175 seats.

The ruling Partido Popular (hereinafter PP for short) was relying on the support of its traditional allies: the catalan, basque and canary islands parties.

Before the voting, an angry debate took place... the spokesperson for the PP said such laws were irreceivable for they granted also the right of adoption (actually only one of the bills did), something which, he said, only to be found among the "australian aborigenes" (quoted!).

The voting was: 161 pro to 161 against! and twice!

It was the first time ever such a score was recorded in a Parliament voting.

The 161 votes against were issued by the PP MP's and those of the Catalan Party. All the other MP's voted in favor, including the basques, traditional allies of the PP in office ... excepted the two Canarian Party MP's, who for some "unexplainable" reason did not attend the vote.

Actually, the chairman of the debate did the only thing he could do: decreeing a 15-minute pause. During such pause, the PP Group Leader started to look for all his MP's (actually all the MP's who were in Madrid that day had turned out and voted) and the two missing Canarian Party MP's.

When the session resumed and a third vote took place, the actual result was 161 pro and 163 against, the two extra votes coming from the canary islands MP's.

The ruling Party, PP, actually voted a last-minute bill in favor of creating a sub-parliamentary commission specifically committed to studying the issue, something which all the parties and the press have viewed as a mere way to put an end to the issue... for this commission has been given a term to produce a

report: June the 30th, just at the very beginning of the Parliament "closed-for-summer-holidays-period".

Those chaps are so unaware of gay issues they did not realize that by trying to have the thing delayed they would have to produce a report just some days after June 28th, the Gay Pride Day.

PSOE and IU reacted quickly. The very day after, March 19th, they submitted AGAIN the same bills to which only some minor changes were made. "The voting was too narrow" a PSOE official said; "The chances to win the vote are too narrow to miss it". And, there we go again, a new voting on the issue should take place within a few months.

And, at that, two of the three parties usually backing the government made a bitter criticism on the issue. While regretting the vote of the PP, the Basque Party complained on the current government majority of two votes is too narrow for a sustainable coalition. Meanwhile, the Canary Islands MP's nuanced a bit their vote: they said they were in favor of having such a law passed after a period of reflection. So, should the government not rule a law within a reasonable period, they would be submitting their own law themselves!

Also, one of the missing MP's of the ruling party, Ms Celia Villalobos, who is also the mayor of Malaga (one of Spain's largest cities) said to the press in what seemed a "calculated leaking" that she had failed to attend the voting because she would have voted according to her conscience... a nice way to say she would have loved to vote for but did not have the guts to vote against her party's discipline.

Meanwhile, the MP's of the parties in coalition who voted again, when back to their hometowns got their ears boxed (metaphorically speaking) by the militants of their parties who could not understand why their MP's had voted against a measure their election manifesto had specifically supported.

But the party in office has not remained quiet. They have made public that their intention is to create a legal text which would cover a much wider type of unions.. it does sound progressive but the truth they hide behind the curtain is something else... They are actually considering as a framework for their own Bill some versions of the French-made Contrat d'Union Sociale (CUS for short) which includes all types of relationships between two persons, be their nature sexual or merely supportive, such as uncle-nephew, grandfather-grandson, two friends of either sex living together... that is, what they actually want is having unmarried couples, whether gays or straight ones, diluted among all that kind of different type unions;

their approach is almost machiavelic: if our homes are not really family units, why should gays be granted a status similar to that of family units? Let's grant them a lower one among with so many others who will "never" be considered as real families, that will weaken their demands...

Once again, given the situation, the Fundacion Triangulo wants to make public that the Spanish government is in a too difficult position not to be sensible to public pressure, either national or international. Thence, once we have set up a strategy towards the issue, should we deem it suitable, we hope to rely on your co-operation.

### **IGC-MINISTERIAL MEETING: PROPOSAL TO SUPPRESS EU CITIZENS' RIGHT TO SEEK ASYLUM**

*AI Press release of 22 March 1997*

Brussels -- The Spanish proposal to include a provision in the European Union Treaty denying the right to seek asylum to citizens of EU Member States in the other EU countries contravenes international human rights standards, and is a dangerous precedent that could lead to the implementation of similar measures in other regions of the world, Amnesty International said today.

On the eve of the Ministerial Meeting during the Intergovernmental Conference on the revision of the Maastricht Treaty (IGC) on 24 February, the human rights organization strongly calls upon EU member States to respect their international obligations and not to deny the right to seek asylum to nationals of EU Member States.

The Spanish government's proposal was retained by the European Council on 13 and 14 December 1996 in Dublin, which asked the Conference "to develop the important proposal to amend the Treaties to establish it as a clear principle that no citizen of a Member State of the Union may apply for asylum in another Member State, taking into account international treaties".

Amnesty International points to the fact that the Spanish proposal would clearly contravene obligations undertaken by EU member states under international human rights treaties. Therefore, if international treaties were indeed to be "taken into account", the entire proposal would be negated.

All EU Member States should respect the Universal Declaration on Human Rights which states that "everyone has the right to seek and to enjoy in other countries asylum from persecution". Also, as

signatories of the 1951 Geneva Convention relating to the status of refugees, they are obligated to respect its provisions, including the fundamental principle of non-discriminatory application, set out in Article 3.

"It is a core principle of international refugee law that all asylum seekers, irrespective of their country of origin, should have access to a fair and satisfactory individual asylum determination procedure," Amnesty International said.

The organization stresses also that international obligations resulting from the Geneva Convention should be individually respected by each Member State. "It is the States who are party to the Convention and not the EU as such. Affiliation to a supranational body such as the EU cannot be used by Member States to evade their obligations under international human rights law".

In spite of the UNHCR's firm position against this proposal -- considered by that body as incompatible with the 1951 Geneva Convention -- the EU Presidency's representative, Mr. Michiel Patijn, declared at the end of the meeting of personal representatives of the Foreign Ministers within the IGC on 10 and 11 February that the Spanish proposal was "politically accepted".

"Not only does the proposal contravene the 1951 Geneva Convention, but also it ignores the fact that no one can guarantee that EU citizens will never have to flee human rights violations in the current or an enlarged European Union," Amnesty International said.

It is the understanding of Amnesty International that the Spanish government has put forward this proposal with a view to combatting terrorism. While the organization understands the need for governments to prevent terrorism, it believes measures taken by governments to do so must be in conformity with their obligations under human rights standards.

Amnesty International views the IGC proposal with grave concern, and urges the governments of the EU not to confuse the fight against terrorism with the obligation to ensure all individuals' right to seek asylum.

### **DUTCH GAYS WILL HAVE TWO WAYS TO GET HITCHED**

*by Rex Wockner*

Come Jan. 1, 1998, Dutch gay, lesbian and straight couples will be able to register their partnership and

gain every right of marriage except access to adoption.

Then around the year 2,000, Dutch gays and lesbians likely will be able to get married -- under the regular marriage laws.

The registration measure passed Holland's Second Chamber of Parliament in December with 104 of 150 possible votes. It now must pass the First Chamber but that is only a formality. The First Chamber only looks for procedural errors.

The Second Chamber, meanwhile, has begun debate on gay co-parenting in an attempt to void the adoption exclusion via a separate piece of legislation.

Should that measure pass also, there would be no differences between partnerships and marriages except when it comes to divorce. Married people have to go to divorce court whereas partnered couples would only have to go to court if one of the parties contested the breakup. Otherwise they would just un-register at City Hall.

Ordinary marriage is coming for Dutch homosexuals at the turn of the century, gay activists say. Parliament has instructed the government to prepare preliminary legislation by this August and a special committee is scurrying to determine what being the world's first gay-marriage country would mean for Holland's international agreements and relationships.

"The majority in Parliament is for gay marriage," said Henk Krol, editor of Holland's largest gay publication, *De Gay Krant*. "The minority in parliament says people in other European countries and in America won't understand us. We are already such a strange place for all the people around the world. What will be the rights of [gay] people married in the Netherlands when they go abroad? It will give us a lot of problems around the world.

What about foreigners coming to the Netherlands just to marry? So, we have to investigate how people around the world will react when we are the first to open up marriage for gay people -- that's what the minority says, and that's what is taking place now."

The research is being conducted by the Justice Ministry's Commission on Opening Legal Marriage, composed mostly of university folks and former politicians.

"The group is coming around to be very much in favor of saying someone has to be first [on gay marriage] and why not Holland?" Krol said.

The commission will report to Vice Justice Minister Elizabeth Schmitz, an open lesbian who, although worried about the international consequences, is also leaning toward supporting gay marriage.

The Second Chamber has said it wants to begin debate on the commission's report and the draft legislation by December of this year.

#### *Scandinavia, Hungary and Hawaii*

At present, four countries offer marriage-like gay partnerships: Denmark (and Greenland), Iceland, Norway and Sweden. The laws grant all rights of matrimony except access to adoption, artificial-conception technology and church weddings. In Iceland, though, partners can obtain joint custody of each other's biological children.

Hungary last year legalized common-law gay marriage after the Constitutional Court mandated the move. All matrimonial rights are included except, again, access to adoption.

Denmark's law took effect Oct. 1, 1989, following a 71-47 vote by the Folketing (parliament). Greenland, a Danish dependency, hesitated then adopted the Danish law in 1994.

Norway's law came into effect Aug. 1, 1993, following parliamentary votes of 58-40 (Odelsting chamber) and 18-16 (Lagting chamber). Sweden joined the club Jan. 1, 1995, following a vote of 171-141 with 5 abstentions and 32 absences.

"We accept homosexual love as equivalent to heterosexual," said Swedish Prime Minister Carl Bildt.

Gay partnerships became legal in Iceland last June 27, gay-pride day there. The Althing, the parliament, voted for the law 44-1 with 1 abstention and 17 MPs missing from the chamber. Public opposition was minimal and Icelandic President Vigdis Finnbogadottir was guest of honor at the nation's first gay wedding reception.

Foreign couples may not travel to Denmark, Greenland, Iceland, Norway or Sweden for a gay wedding. At least half of a couple must be a citizen of the nation in question and must be living there when the wedding occurs.

Two thousand eighty-three homosexual couples had tied the knot in Denmark at last count -- 1,449 male couples and 634 female couples. Seventeen percent of the couples (357) later divorced and 219 marriages ended when a partner died. Danish lesbians have a higher divorce rate -- 23 percent vs. 14 percent for

gay men. (Source for figures: Danish gay newspaper Pan-Bladet).

Despite all the action in Europe, many observers of the gay-marriage craze are focused on Hawaii where a trial court ruled Dec. 3 that there is no compelling reason for prohibiting gays from marrying.

The ruling was placed on hold while it is appealed to the state Supreme Court -- but the Supreme Court previously has ruled that the government cannot discriminate based on gender in the issuance of marriage licenses without a "compelling" reason for doing so.

As such, gays are expected to win the appeal and same-sex marriage should be legal in Hawaii by early 1998. The matter cannot be appealed to the U.S. Supreme Court since it is solely a matter of interpretation of Hawaii's state constitution.

The "\$64,000 Question" is whether Hawaiian gay weddings be recognized by other U.S. states. Congress already has passed the Defense of Marriage Act stipulating that the rest of the country does not have to honor Hawaiian gay marriages, but many legal scholars say DOMA violates the U.S. Constitution's "Full Faith and Credit" clause under which states must respect each other's public acts.

Several states also have passed laws stating they will not be recognizing queer marriages from elsewhere. Those laws also may not pass Constitutional muster.

## **BRITISH MILITARY CASE GOES TO EURO COURT**

*By Rex Wockner*

A gay man who was sacked from the British Navy saw his case referred to the European Court of Justice March 13. Terry Perkins was dismissed on grounds of his sexuality in November 1995.

The European Court likely will decide whether discrimination based on sexual orientation breaches the European Union's Equal Treatment Directive and, if so, whether the law applies to the military, Britain's High Court said in referring the case.

A hearing is likely this year with a decision within 18 months.

If Perkins wins, it would become illegal for any employer in the 15-nation European Union to discriminate based on sexual orientation and gays who have been kicked out of the military could demand compensation.

Last year the European Court held that the Equal Treatment Directive was breached when a transsexual was fired after undergoing a sex-change operation.

In referring the military case, the British court said: "After the decision in the [transsexual] case, it is scarcely possible to limit the application of the Directive to gender discrimination. There must be a real prospect that the European Court will take the further courageous step to extend protection to those of homosexual orientation."

Angela Mason, head of the British lobby group Stonewall, responded with a call for the Ministry of Defence to suspend the ban pending the European ruling.

"The days of this iniquitous ban are now almost certainly numbered," Mason said. "The MoD should suspend the ban immediately, to limit the taxpayers' liability to compensation claims and to give themselves time to prepare for the day when the ban is lifted -- which could now be little more than a year away."

## **SWEDEN: INCITEMENT TO HATRED AGAINST GAYS REMAINS LEGAL**

*By Bjoern Skolander*

Incitement to Hatred against Homosexuals Remains Legal. On March 12th, the Swedish Parliament rejected the proposal to ban incitement to hatred against homosexuals. This proposal was supported by the Centre Party, the Liberal Party, the Leftist Party and the Green Party plus several Social Democratic MPs. Neo-Nazi agitation against lesbians and gay men is therefore still legal.

Parliament also rejected the proposal to introduce a constitutional ban against legislation which discriminates against homosexuals. This proposal was supported by the Leftists and the Greens. The ruling Social Democratic Party received heavy criticism in the parliamentary debate for its reluctance to support a ban against incitement to hate against homosexuals.

## **POLAND BANS GAY MARRIAGE**

*By Rex Wockner*

Poland's new constitution, which passed Parliament 461-31 March 22, bans gay marriage, the Associated Press reported. As recently as last September, a draft of the constitution also banned discrimination based on sexual orientation - something only South Africa has done constitutionally.

AP did not say what became of the anti-discrimination clause.

The constitution must be reviewed by President Aleksander Kwasniewski and then faces a public vote May 25.

### **ILGA-EUROPE LAUNCHES A PROPOSAL FOR AN EU ACTION PLAN**

*By Steffen Jensen*

At the European conference in Madrid December 1996 the idea of an Action Plan to promote equal opportunities for lesbians and gays under European Union programmes was launched.

Thanks to a considerable input from Egalité (the association for gay/lesbian employees in the European institutions) the board of ILGA-Europe has approved the enclosed proposal for an Action Plan for the European Union. The Action Plan is a list of possible initiatives which ILGA wishes to be financed and implemented by the European Commission.

The Action Plan is a policy document. It can be successful and effective only if ILGA member associations and any other organisation, company or institution which wish to promote equality for lesbians and gays submit proposals for projects to the Commission, using the Action plan as an official reference and guideline.

The Action Plan has been sent to all members of the European Commission, Chairpersons of the Committees and selected members of the European Parliament, and to the permanent representatives to the European Union of all European and Mediterranean states.

At its meeting in Bruxelles on 5-6 April 1997 the board has decided to specifically encourage some of the European member groups to present proposals for projects, together with other European groups and organizations, for some specific parts of the Action Plan:

Action Possible interested member group

- 2 Egalité
- 3 Research institutes
- 4 SETA
- 5 Stonewall

- 6 CG-L, Arci Gay, Arci Lesbia, COGAM
- 7 SOHO, HOSI-Wien
- 8 CG-L
- 9 Filmfestival groups
- 10 Tupilak, filmfestival groups
- 11 Research institutes
- 12 IGLYO
- 13 ILGA's AIDS WP
- 14 European Pride Organisers Associations
- 15 SVD
- 16 LBL
- 17 Arci Gay, Arci Lesbia
- 18 COC, LBL
- 19 Stonewall
- 20 European Gay & Lesbian Sport Federation, Gay Games
- 21 HomoDok
- 22 UNISON
- 23 ABOP, UNISON
- 24 SNEG, Völklinger Kreis

See the Action Plan in the annex.

## **HOMOSEXUALITY: A EUROPEAN UNION FUNDAMENTAL RIGHT; TOWARDS EQUALITY FOR LESBIANS AND GAYS IN EUROPE**

### **24 ideas for European Commission-led initiatives**

#### **An ACTION PLAN**

The basic aim of the International Lesbian and Gay Association (ILGA) and of its 400 member associations is to work for the liberation of lesbians and gays from legal, social, cultural and economic discrimination. This aim was reconfirmed in the ILGA-Europe constitution adopted at the December 1996 Madrid Conference.

The assumptions underlying this aim are the equality of all citizens, one of the fundamental principles of Community law, and the right not to be discriminated against on the basis of sexual orientation, a basic right of all human beings.

The European Parliament 1994 report and resolution on equality of rights for gays and lesbians in the European Community and the European Commission-sponsored study "Homosexuality, a European Community issue" set out unequivocal evidence as to how strong and deep-rooted discrimination against lesbians and gays and against same-sex relationships still is at various levels of European society and in certain countries and certain regions more than others, and accordingly call for actions, in particular by the Commission, in this field.

The need for action to eliminate sexual orientation-based discrimination was strongly reaffirmed by Parliament in its resolution on human rights in the European Union countries of September 1996, which states that "All discriminations and/or unequal treatment concerning homosexuals must be abolished and in particular persisting differences as to the age of sexual consent and discriminations concerning labour, criminal, civil, contractual, social and economic legislation".

The draft text of the new Treaty under discussion at the IGC must retain its provision prohibiting discrimination on various basis including sexual orientation. Once the new Treaty comes into force, then, the fundamental right not to be discriminated against on the grounds of sexual orientation, already a part of Community law by virtue of Article F of the Treaty and its referral to the European Human Rights Convention and case law, will be clearly and unambiguously enshrined in the Treaty.

The European Commission has affirmed that, as part of its powers under the various Community policies, it implements measures to eliminate all discrimination between individuals on the grounds of (...) sexual orientation (Answer given by the Commission to written question from Parliament E 2040/96, September 1996).

*Against this background, this Action Plan sets out an indicative list of initiatives, all with a European dimension and falling within the scope of various EU policies and programmes, which should be undertaken by the Commission without delay.*

#### **1. European Forum on Gay and Lesbian Issues**

##### **What is the objective?**

To create a Forum comprising Commission officials, representatives of gay and lesbian associations from the Member States, of Member State administrations, of the European Parliament.

In the context of the pre-accession strategy, delegates from gay and lesbian organizations and administrations in Central and Eastern European countries would also participate. The participation of other European countries and Mediterranean third countries should be considered whenever issues relevant for these countries are dealt with.

The Forum would discuss gay and lesbian issues under the various Community policies and programmes and make recommendations. It should provide information on national initiatives, assist in the implementation of this Action Plan and monitor its progress.

The Forum would be chaired by the Commission. The Forum would meet regularly.

##### **How to proceed?**

The Commission should provide the necessary financial support to ensure the participation of the various delegates at Forum meetings. The Commission would also establish a Task Force or interservice group with the participation of all Commission services involved. It should provide financial support for the running of the ILGA-Europe Secretariat, which should serve as a contact point for all interested parties, a platform for partnerships and would thus be able to deal efficiently with the various requests for assistance from the member associations.

## **2. European Awareness and Information campaign on lesbian and gay issues/rights**

### **What is the objective?**

Among the general public, to increase awareness and visibility of homosexuality issues, as an indispensable precondition for the effective integration of lesbians and gays in society, and to increase recognition of the need for the dignity and rights of the 5-10% of the European citizens who are homosexuals to be fully respected.

Among gays and lesbians, to make them more conscious of their - actual and potential - economic, social, and cultural contribution to society, and of the importance for them that public actions and initiatives should also address *their* specific needs.

The lack of information on homosexuality in some European countries was painfully evident recently in the identification of homosexuality with paedophilia by certain sections of the public and of the media.

### **How to proceed?**

Through the media and other appropriate channels, to make clear and positive information on lesbians and gays and on homosexuality issues available at various levels of society, with supervision and financial support by the Commission.

Through cooperation with national governments and other organisations dealing with gender and/or human rights issues.

Combat effectively discrimination and violence against homosexuals by including gays and lesbians in Community programmes to fight all forms of racist phenomena (in the wider sense) and of social exclusion.

Specifically in schools: organisation of seminars - on request by individual schools, having informed all schools that technical and financial assistance for such seminars is available from the Commission and from national governments under education and anti-discrimination policies and initiatives.

## **3. Inventory of discriminatory legal, social and economic measures and realities in European countries; means and timetable for elimination of same**

### **What is the objective?**

To assess the situation, both in the Member States and in the countries applying for accession, regarding existing legal, social or economic measures or realities having a discriminatory effect against gays and lesbians.

As regards legislation, the inventory should record all legislative and administrative provisions having a discriminatory element on the basis of sexual orientation (e.g. lack of rules enabling same-sex couples to marry or to enjoy equivalent benefits to marriage; provisions on age of consent for sexual relations; provisions restricting activities of G&L associations; provisions not allowing residence for a same-sex partner who is a foreign national, etc.) as well as the manner and the degree of their actual implementation.

Social and economic realities, as an essential indicator of discrimination, should also be recorded (e.g. statistics on aggressions against gays and lesbians, degree of integration of homosexuals in society, degree of openness of families and work-place on homosexuality, etc.).

Means and timetable for the elimination of discriminatory measures and conditions should also be indicated.

### **How to proceed?**

The Commission should provide the necessary financial support to compile this inventory, which should have the widest possible dissemination (including via the Internet).

## **4. Gays and lesbians in the INFORMATION SOCIETY, in particular under actions for "social users"**

### **What is the objective?**

To include among Commission initiatives to promote the Information Society, especially those relating to social users, projects addressing specific needs of gays and lesbians.

An example: a Global INVENTORY of existing projects on lesbian and gay issues, Internet-based, aimed at:

- establishing an interface for the exchange of information on national and international initiatives on L&G issues
- stimulating the exchange of relevant expertise and knowledge between countries with high L&G visibility and integration and those where

discrimination is still widespread and which therefore have low visibility and integration.

### **How to proceed?**

Pilot projects to be launched with the financial support of the Commission.

### **5. Homosexuality in HUMAN-RIGHTS monitoring of members states and third countries - Relations with international fora on human rights - Right of Asylum**

#### **What is the objective?**

To ensure that the situation of lesbians and gays is included in all reports carried out by or under the auspices of the European Commission on human rights in EU member states and third countries.

It is essential that the fundamental right not to be discriminated against on the basis of sexual orientation features fully in all EU documents dealing with human rights in general.

As regards the treatment of homosexuals in third countries, a detailed analysis is required of the situation of homosexuals with the view to the extension of the right of asylum in the EU to nationals of those countries which still persecute their citizens through repressive legislation and practices on the basis of their sexual orientation.

To ensure that the Commission adequately represents in all international human rights fora the need to combat discrimination against homosexuals.

#### **How to proceed?**

Establish and maintain regular contacts between ILGA representatives and the responsible Commission officials in order to assist the Commission with the elaboration of human rights reports and analysis in member states and third countries by providing specific data on legislation and practices concerning gays and lesbians.

### **6. Initiative for cooperation on gay and lesbian issues in the MEDITERRANEAN Basin**

#### **What is the objective?**

In the context of cooperation between the EU and Mediterranean third countries (Algeria, Cyprus,

Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey), and ahead of the progressive establishment of a free trade area with the EU, the general objective of this initiative is to encourage the development of civil and democratic societies based on human rights, with specific initiatives being undertaken to eliminate discrimination against homosexuals, both in legislation and in practice.

#### **How to proceed?**

The MED Democracy Program should support activities including the creation/strengthening of non-governmental bodies and associations which by their vocation and specific activities aim to guarantee full and equal participation of lesbians and gays in society.

It should also promote participation of local lesbian and gay organizations from the Mediterranean region in the EU lesbian and gay events.

### **7. Initiative for cooperation with Central and Eastern European countries (CEEC) and the Newly Independent States of the former Soviet Union (NIS) on gay and lesbian issues**

#### **What is the objective?**

In the context of the pre-accession strategy ahead of accession to the Union of Central and Eastern European Countries post 2000, and of the cooperation programmes between the Union and the NIS, the aim here is to ensure respect for basic rights in the countries concerned, including the right for lesbians and gays not to be discriminated against on account of their sexual orientation (more specifically the right to privacy, to freedom of expression, freedom of association and the right to family life).

Account must be taken of the wide differences regarding gay equality in the various countries (e.g. Hungary provides for "common-law marriage" also for gay people, whereas Romania still has blatantly discriminatory legislation).

#### **How to proceed?**

Building on successful existing experience/initiatives on gay rights under the PHARE and TACIS Democracy programmes, the Commission should support activities including the creation/strengthening of non-governmental bodies and associations which by their vocation and specific activities aim to guarantee full and equal participation of lesbians and gays in society.

It should also promote:

- the participation of local lesbian and gay organizations from the CEEC and NIS in European Union lesbian and gay events.
- the development of networks linking local gay and lesbian organisations with EU organisations.

### ***8. Initiative for cooperation with Latin America, Asia and the African, Caribbean, Pacific (ACP) countries on lesbian and gay issues***

#### **What is the objective?**

In the context of the cooperation programmes with Latin America, Asia and the African, Caribbean, Pacific (ACP) countries, the aim here is to ensure in the countries concerned the respect of fundamental rights including the right for lesbians and gays not to be discriminated against on account of their sexual orientation (more specifically the right to privacy, to freedom of expression, freedom of association and the right to family life).

Account must be taken of the widely divergent circumstances obtaining in different countries.

#### **How to proceed?**

The Commission should support activities including the creation/strengthening of non-governmental bodies and associations which by their vocation and specific activities aim to guarantee full and equal participation of lesbians and gays in society.

It should also promote:

- the participation of local lesbian and gay organizations from the countries concerned in European Union lesbian and gay events.
- the development of networks linking local gay and lesbian organisations with EU organisations.

### ***9. Homosexuals and the MEDIA***

#### **What is the objective?**

Commission funding of documentary films and programmes should also cover documentaries on gay issues and gay history in Europe.

The possibility should be explored of creating contact networks for gay press and broadcasting entities throughout the EU.

#### **How to proceed?**

The Commission should provide financial support for the above initiatives.

### ***10. International lesbian and gay CULTURAL network in Europe***

#### **What is the objective?**

Commission cultural support should also include support for international European gay cinema or theater festivals, etc. and for innovatory gay-friendly cultural events generally.

#### **How to proceed?**

Establish contacts and develop specific projects in cooperation with the responsible Commission officials, in particular under the Kaleidoscope programme.

Information also available from:

International Lesbian & Gay Cultural Network (ILGCN)

- c/o Tupilak, P.O. Box 2315 - S 10317 Stockholm, Sweden - Fax +46 8 182272, Tel. 849419
- c/o C. de la Motte-Sherman, Helsingforser Str. 39 - D 10243 Berlin, Germany - Fax/Tel. +49 30 2965795

### ***11. Sexual orientation-related themes under Community Research programmes***

#### **What is the objective?**

To include gay and lesbian parameters/issues as themes in Commission research programmes, in particular under the specific programme for socio-economic research, international cooperation, mobility of researchers and dissemination of results.

#### **How to proceed?**

Develop contact between the Commission and centres for gay and lesbian studies and G&L organisations to develop specific projects; mention sexual orientation-related themes, where relevant, in calls for proposals.

### ***12. European Network of Higher Education Lesbian and Gay Student Associations***

#### **What is the objective?**

To create a European network of lesbian and gay higher education/university student associations in order to exchange knowledge and experiences between the different European realities, so that the

achievements in certain EU countries may benefit those countries and regions where lesbian and gay student organisations are least developed.

To build up on existing experiences, in particular through cooperation with the International Lesbian and Gay Youth Organisation - IGLYO.

#### **How to proceed?**

Establish contacts with Commission officials responsible for initiatives in the field of education and youth in order to formalise the initiative, whose focus should be on student exchanges, exchange of information, development of joint specific projects.

Information also available from:

IGLYO  
P.O. Box 542 - NL 1000 AM Amsterdam, The Netherlands  
Fax/Tel. +31 20 6188172

#### ***13. AIDS prevention in the homosexual community, with special emphasis on young male gays***

##### **What is the objective?**

It would appear that in spite of widespread information on AIDS, willful unsafe sexual practices, as self-destructive forms of behavior (analogous with drug abuse), persist, especially among young gays.

It is clear, as far as young gays are concerned, that the most important single reason for self-destructive unsafe sexual practices is interiorisation of the perspectives of a hostile society coupled with a lack of positive images of gays and gay couples. This element should be taken into account when designing actions on AIDS prevention.

Prevention - primary as well as secondary prevention measures - should, when targeting specifically young gays, focus on actions including:

- Education in schools, before young men become sexually active
- More effective prevention campaigns (e.g. focusing on personal approach and identification with young gays talking about their own experience)
- A wider range of outreach programmes (to associations of young men, leisure organisations, clubs, discos, etc.)
- Talk-show programmes on radio and television
- The organisation of safer-sex workshops (including 'coming-out' related problems)
- The creation of community centers, peer groups, self-help groups or other more elaborate programmes

#### **How to proceed?**

Intensify the efforts under Community initiatives to prevent and combat AIDS to deal more specifically with the situation of young male gays.

#### ***14. EUROPRIDE***

##### **What is the objective?**

To provide sponsorship and support to "Pride" events (which celebrate yearly the birth of the gay and lesbian liberation movement) having a European dimension.

##### **How to proceed?**

The Commission should provide support for these initiatives through appropriate contacts with the organisers' committees. In particular, adequate information should be provided during these events on various EU initiatives to promote non discrimination for gays and lesbians.

Information available also from:

European Pride Organisers Associations (EPOA)  
EPOA Secretary/Office, c/o Hartmut Schoenknecht  
Eberfelder Str. 23, D-10555 Berlin, Germany  
Fax +49 30 3924319; Tel. 3925311

#### ***15. Initiatives addressing specific needs of aging gays and lesbians.***

##### **What is the objective?**

Older gays and lesbians have many specific problems. They are at greater risk of social isolation than the average citizen and of violent attack. Statistics also show that, on average, their health is poorer and they are more prone to addiction and suicide.

The objective here is to address those special concerns and needs. To address special concerns and needs of elderly gays and lesbians, including through pilot projects.

##### **How to proceed?**

The Commission should ensure that its planned White Paper on older people's issues adequately deals with the specific needs of older gays and lesbians.

It should also provide financial and technical support for all forms of *non-commercial* social activities and associations aimed at older gays and lesbians, and all

measures that will contribute to their safety and psychological and physical well-being.

Information also available from:

Schwulenverband in Deutschland (SVD)e.V., Gay and Gray

Postfach 103414, D 50474 Köln, Germany

Fax +49 221 925961-11, Tel. 925961-0

## **16. Lesbians and gays with disability**

### **What is the objective?**

To help the creation and strengthening of associations of gays and lesbians with disabilities and foster the building of links between these associations in Europe.

The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities state, in relation to family life and personal integrity, "that States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.."

Within the boundaries of Community initiatives and programmes for disabled persons, the above principles should be *fully* applied to gays and lesbians with disabilities.

A forum study group to provide an overview of the special situation of disabled lesbians and gays should be set up.

### **How to proceed?**

The Commission should provide all the necessary technical and financial assistance to ensure the above objectives.

## **17. Homosexuality and the RURAL/SMALL URBAN environments**

### **What is the objective?**

To improve life conditions for lesbians and gays living in rural or small urban environments, through the dissemination of information on homosexuality, and the promotion of positive images, etc.

Activities should cover:

- ensuring tolerant educational programme in the schools
- developing local groups

- promoting greater involvement by society, and greater integration in society

### **How to proceed?**

The Commission should include homosexuality-related projects under the themes for social and regional assistance.

## **18. LESBIAN VISIBILITY to address the specific situation of lesbian women in Europe**

### **What is the objective?**

The aim is to support lesbian women and give them skills to improve their position in society, in particular in those countries and regions where lesbian groups and organizations are least developed. Greater lesbian visibility in society will create role models and promote knowledge and understanding of the lesbian lifestyle. Better selfawareness will come through meeting others in a comparable situation, common interests will be identified, and a real choice of lifestyle will emerge.

### **How to proceed?**

Commission support for the development of a network linking lesbian associations throughout Europe, also so that regions where such associations are less developed can benefit from contact with more advanced situations. The objective of this network will be twofold.

A first objective will be to improve access to information including training lesbians in communication and communication skills. A second objective is to improve organisational skills including expertise and know-how in setting up activities and keeping them running.

Activities include:

on training:

- exchange of information and know-how
- assertiveness training
- how to organize (grassroots) actions and activities
- how to set up a telephone help-line
- how to develop educational material
- fundraising
- policy monitoring and lobbying
- running meetings and workshops

on themes:

- lesbian lifestyle
- women's sexuality
- lesbian motherhood

Information also available from:

COC  
Nieuwezijds Voorburgwal 68-70  
012 SE Amsterdam, The Netherlands  
Fax +31 20 6267795

### ***19. IMMIGRATION for same-sex partners from other EU or non-EU countries***

#### **What is the objective?**

To achieve family-member treatment for a homosexual partners from other Member States or from non-EU countries in the context of the Union's social and immigration policies.

#### **How to proceed?**

Ensure that an in-depth analysis of the problems occasioned for homosexuals from incomplete application of Articles 3 and 48 of the EC Treaty is carried out by the Commission services, with the assistance of organisations dealing specifically with these issues.

Analysis of differences in legislation and case law in Member States and non EU European countries in the context of cooperation on visa/immigration policies. Adequate treatment of this problem should be ensured in the Report of the High Level Group on free movement of persons, if necessary through an addendum.

Information also available from:  
Stonewall Immigration Group  
16 Clerkenwell Close - London EC1R 0AA, UK  
Fax. 0171 336 8864, Tel. 0171 336 8860  
Immig. 0171 336 0620  
mark@stonewall.org.uk; <http://www.stonewall.org.uk>

### ***20. Support for SPORT initiatives with a European dimension organised by lesbian and gay organisations***

#### **What is the objective?**

Sport has proved a very successful vehicle for integration of people of different nationalities, race, sex, age, etc. and also sexual orientation. Sport events such as the yearly gay EUROGAMES and the four-yearly GAY GAMES, as well as various European tournaments in different disciplines, organised by lesbian and gay associations, make a major contribution to enhancing self-esteem in the gay and lesbian community; combating discrimination against lesbians and gays and promoting a positive image of homosexuality in the wider public.

#### **How to proceed?**

The Commission should provide support and sponsorship for sports events having a European dimension and organised by and with the participation of lesbian and gay sports organisations

Information also available from:

- European Gay & Lesbian Sport Federation (EGLSF), c/o Breedstraat 28, NL 2513 TT Den Haag, The Netherlands, Tel. +31 70 3642442, e-mail: [eglsf@gaysport.org](mailto:eglsf@gaysport.org)
- Gay Games, Box 2837, NL 1000 CV Amsterdam, The Netherlands, Fax + 31 20 6261998, Tel. +31 20 6201998

### ***21. European Network of Lesbian and Gay Documentation Centres***

#### **What is the objective?**

To develop a Europe-wide network of documentation centres on lesbian and gay studies, whether autonomous or linked to larger library or archive facilities, and to encourage the development of such centres in different countries and regions.

#### **How to proceed?**

The Commission should provide financial support to the initiative.

### ***22. European LIST of EMPLOYERS promoting EQUAL OPPORTUNITY policies for employees with a SAME-SEX partner***

#### **What is the objective?**

A growing number of employers, both in the public and private sectors, grant the same or equivalent benefits as accorded to the spouses of employees to the same-sex partners of employees, on the basis of a declaration of partnership by the couple concerned. Compiling a list of employers providing equal opportunity for employees in same-sex partnerships, updating it regularly and publicising it through the press and media, will greatly contribute to promoting non-discrimination vis à vis homosexuals.

#### **How to proceed?**

The relevant Commission services should draw up this list in collaboration with lesbian and gay

associations and with the sections of trade unions dealing with equal rights for homosexuals.

### **23. European Forum on Trade Unions and Homosexuality**

#### **What is the objective?**

To create a Forum for cooperation between trade unions in Member States and in non EU European countries on equality of treatment for homosexuals in the work place. A key role here will be played by the Conference, to be held in Amsterdam in July 1998, on 'Trade Unions, Homosexuality and Work', and by the committee currently preparing this Conference.

To different degrees, lesbians and gay men still face discrimination and prejudice in the work place. Many employers discriminate against lesbians and gay men in all aspects of work - recruitment, promotion, dismissal and working conditions. Combating such discrimination is in line with the vocation of trade unions to work for the improvement of working conditions for all workers and the promotion of social and economic justice.

The Forum's aims are to:

- facilitate the exchange of information, policies and strategies for lesbian and gay trade unionists
- educate participants on campaigning for lesbian and gay rights in the work place, and ensure that policies are implemented and address the concerns of all lesbian and gay workers
- strengthen coordination on lesbian and gay workplace issues
- develop proposals for action by trade unions, including strategies for education, tackling prejudice and collective bargaining
- look at strategies for working within and alongside the trade union movement at national and international level
- devise agendas for action both by and vis à vis international organisations, governments and local authorities
- draw up recommendations for action by employers
- develop links between lesbian and gay members of trade unions within Europe and outside
- establish an international network aimed at maintaining the exchange of information, at coordinating initiatives and at providing international support and solidarity for lesbian and gay workers, especially in those countries/regions where discrimination is particularly acute.

#### **How to proceed?**

The Commission should provide financial assistance to set up the Forum, in particular by supporting both the preparation and the organisation of the above-mentioned Amsterdam Conference.

Information also available from:

- Conference on Trade Union and Homosexuality, PO Box 732, NL 2700 AL Zoetermeer, The Netherlands
- UNISON, 1 Mabledon Place, London WC1H 9AJ UK
- Arbeitskreis Lesben & Schwule in der ÖTV, Hans-Böchter-Platz 1, D- 50674 Köln, Germany, Tel. +49 221 574040

### **24. European Gay and Lesbian business association network**

#### **What is the objective?**

To establish a European network of gay and lesbian professional and business associations operating at national, regional and local level.

To create a data bank on constraints and problems typically encountered by gays and lesbians in business in general or specific sectors or specific geographical areas.

To provide an environment in which gay and lesbian business owners and professionals can gain from each others' experience. Gay and lesbian businesses are in a unique position within the homosexual community to respond, directly and indirectly, to the social, political and health concerns of the community.

To foster in particular the creation of European thematic networks, i.e. networks encouraging and bringing together national groupings/associations in the different countries of gay and lesbian lawyers, psychologists, managers, etc.

#### **How to proceed?**

Commission financial support should be available within the framework of existing Community programmes, in particular for SMEs.

Information also available from:

- S.N.E.G. - Syndicat National des Entreprises Gaies, 37, rue de Rivoli - F 75004 Paris, France, ph. +33 1 44598101, fax +33 1 44598103
- Völklinger Kreis e.V., Bundesverband Gay Manager, Leyendeckerstr. 1 - D-50825 Köln, Germany, Tel./Fax +49 221 5461979