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Documents relating to ILGA-Europe can be found at ILGA-Europe's homepage http://www.steff.suite.dk/ilgaeur.htm

An update of the Survey on the Legal Situation for Gays and Lesbians in Europe can be found at http://www.steff.suite.dk/survey.htm

A description of partnership laws and other laws regarding same-sex partners can be found at http://www.steff.suite.dk/partner.htm

Consolidated versions of the basic treaties of the European Union including amendments from the Amsterdam Treaty can be found at this web-site: http://ue.eu.int/Amsterdam/en/traiteco/en1.htm

SWEDEN: NEW LEGISLATION AGAINST DISCRIMINATION AT THE LABOUR MARKET By RFSL

The Swedish Parliament did 4 March vote in favour of new legislation against discrimination at the labour market. One of the laws involves a ban on discrimination on the grounds of sexual orientation.

The law will apply to all sections of the labour market as well as all categories of employees including applicants for a job. The ban on discrimination of applicants will include the whole recruiting process even if the applicant is not employed. The ban will also include all the employer's decision concerning promotion, salary, notice and dismissal. Employers also have to investigate and take measures in the case of harassment between employees.

The law is welcomed by RFSL (The Swedish Federation for Lesbian and Gay Rights). Christine Gilljam, RFSL's president, is however concerned about the exception rules of the new legislation. Which might imply that a religious private school can reject a gay or lesbian teacher without violating the law. According to RFSL religious ideology should never be an excuse for discrimination against homosexuals.

The law will come into force on 1 May 1999. At the same time a newly appointed Ombudsman against discrimination on the grounds of sexual orientation will take office.

UK: BAN VIOLATES EUROPEAN CONVEN-TION ON FOUR COUNTS By STONEWALL

The European Court of Human Rights 26 February declared that the case of the four armed forces personnel, sacked because they were gay, was admissible. The Court found that the blanket ban was a prima facie violation of Article 3, "inhuman or degrading treatment"; Article 8, the "right to privacy"; Article 10, "freedom of expression"; and Article 14, "freedom from discrimination".

There will be a full and final hearing of the case, early this summer, before the full Court. It is likely that the case will be successful. If so, the Ministry of Defence would be forced to lift the blanket ban on gays serving in the military by the end of the year.

Angela Mason, Executive Director of Stonewall, said: "The ban on lesbians and gays serving in the British Armed Forces is inhumane, unnecessary and wrong. We are delighted that the European Court agrees and is prepared to uphold the rights of lesbians and gay men."

John Wadham, Director of human rights organisation Liberty, said: "We believe that the days of the ban are numbered. There is a real prospect that it will be lifted by the end of the year."

Stephen Grosz, of Bindmans solicitors, said: "The speed at which the ECHR has acted in highlighting the four breaches of the Convention is a measure of the significance it attaches to this case."

Duncan Lustig-Prean, spokesperson for Rank Outsiders, said: "We will now see that there was never any justification for this deeply intrusive, humiliating and degrading policy."

REGISTERED PARTNERSHIP FAIRLY POPULAR IN THE NETHERLANDS

by Kees Waaldijk (waaldijk@euronet.nl) December 1998

Since January 1998 Dutch law provides for partnership registration. Both same-sex and different-sex couples can register their partnership. That status has almost all of the legal consequences of marriage (for exceptions and further detail see www.xs4all.nl/~nvihcoc/marriage.html).

Registrations have normally been possible since mid January, although in some cases of terminal illness registration has been allowed to take place in the first week of the year. Below are the numbers of partnership registrations that took place in the first ten months (the source is the Dutch Central Bureau for Statistics,

www.cbs.nl/nl/cijfers/kerncijfers/sbv0603a.htm). The figures are per couple (not per person).

In those ten months almost 4000 partnership registrations took place in the Netherlands. A total of almost 1200 registrations were between women (in Denmark it took more than six years, since the introduction in 1989, before such a number was reached), and a total of just over 1500 registrations were between men (in Denmark two years were needed to reach such a number; see www.lbl.dk/partstat.htm). A total of almost 1300 heterosexual partnerships have been registered in the Netherlands (in Denmark, Norway, Sweden and Iceland only same-sex couples can register their partnership).

If you take into account that the Netherlands have three times as many inhabitants as Denmark, registered partnership seems equally popular among gay men in these two countries, and somewhat rather popular among Dutch lesbians than among Danish lesbians.

The Dutch figures:

Month	F/F	M/M	F/M	Total
January	65	119	59	243
February	119	212	159	490
March	120	191	191	502
April	173	175	149	497
May	146	194	145	485
June	146	154	138	438
July	103	143	139	385
August	106	104	106	316
September	130	124	101	355
October	90	91	104	285
Total	1198	1507	1291	3996

SWEDISH PARLIAMENTARY COMMITTEE ON CHILDREN OF LESBIANS AND GAYS By Martin Andreasson

By Martin Andreasson

On 4 February 1999, the Swedish government appointed a parliamentary committee which will examine whether same-sex registered partners should be allowed to adopt children.

The first task of the committee is to examine the situation for children in lesbian or gay families. The committee is supposed to collect existing knowledge about these children and, if needed, commission further studies. The committee shall also find out what kind of support these children and their parents may need from the authorities.

The second task is to decide whether same-sex couples should be allowed to adopt children or become joint custodians. This decision shall be based on the principle of the best interest of the child, and on the findings presented about the situation of children in same-sex families.

Should the committee decide to propose adoption rights for lesbians and gays, it shall also consider whether lesbians should be allowed to be inseminated or receive in-vitro fertilisation at public health clinics.

The committee shall present its report to the Swedish government in early 2001. Mr. Göran Ewerlöf, head of division at the court of appeal of Stockholm, will chair the committee. The rest of the members will be party politicians, selected with respect to the parliamentary strength of their parties. This is in line with normal Swedish political procedures. Among the Swedish political parties, the Left party (with 12 percent of the seats in Parliament) is the only one to openly support full equality for lesbian/gay parents. Many politicians in the Green and Liberal parties (5 percent respectively) also work for legal reforms. The Social Democratic and Conservative parties (36 percent and 23 percent respectively) have agreed to let the commission examine the issue, whereas the Christian Democratic party (12 percent) is the only party to openly oppose all legal reforms for lesbian/gay parents.

GAY-FRIENDLINESS OF ALL SWEDISH MUNICIPALITIES EXAMINED

By Martin Andreasson

RFSL (the Swedish federation for lesbian and gay rights) has presented a ground-breaking study of the local situation for lesbians, gays and bisexuals in all the 288 Swedish municipalities. It is likely to be the first time ever that all municipalities in a whole country have been examined regarding their gay-friendliness.

In Sweden, very many of the tasks of the public sector are performed by the local municipalities. For example, the child care system, the primary and secondary school system and the geriatric care system are all within the municipal sphere. However, the study by RFSL does not only examine the activities of the municipalities as such, but also the local climate and the social situation in general for lesbians, gays and bisexuals.

The study is based on facts collected from questionnaires to all municipalities (254 out of 288 responded), all counties (21 out of 21 responded) and all local branches of RFSL (28 out of 29 responded). To these questionnaires were added the findings from various research studies made about the local situation for lesbians and gays concerning the fear for hate crimes, the extent of hate crimes and the attitude of the general public towards lesbians and gays. This plurality of sources enabled RFSL to make a fairly accurate description of the situation even in those municipalities where, e.g., the local authorities never replied to the questionnaire.

The findings were translated into figures, thereby making it possible to put all municipalities on a ranking list. The "winner" was Malmö (the third largest city), followed by the capital of Stockholm and the northern university town of Umeå. At the bottom of the list came the town of Hudiksvall in the province of Hälsingland. The following aspects were examined:

1. Education and youth issues

1a. Do the education guidelines of the municipality say anything about sex education, education about homosexuality or the situation of lesbian, gay and bisexual pupils or students?

1b. Is there any centre for sex and health counselling for young people?

1c. Has RFSL at any time during 1997 or 1998 visited any schools to inform about homosexuality?

2. Partnership officiators

How many partnership officiators is there in the municipality, and how many civil wedding officiators?

3. Staff training

Has any of the following categories of the people employed by the municipality received any kind of information about homosexuality, relevant to the function of the staff?

3a. Child care staff

- 3b. School staff
- 3c. The social services

3d. Geriatric care staff

3e. Immigrant centres

4. The lesbian and gay community

4a. Does there exist any kind of local group or organisation for lesbians, gays and bisexuals?

4b. Does the local municipality grant any money to local l/g/b groups?

4c. Is the municipality informed about the existence of local l/g/b groups?

4d. Does there exist any commercial venues (bars, discos etc.) for lesbians, gays and bisexuals?4e. Has the local municipality taken any steps (other than financial support to l/g/b groups) in order to ameliorate the situation for lesbians, gays and bisexuals?

5. The number of RFSL members in comparison to the population

The number of RFSL members in each municipality was compared to the total number of inhabitants.

6. Fear of hate crimes

The Swedish criminologist Eva Tiby has studied to what extent Swedish lesbians, gays and bisexuals are afraid of being victims of hate crimes. Her figures describe the local situation in almost all parts of Sweden.

7. Frequency of hate crimes

Eva Tiby has also documented the number of hate crimes against lesbians, gays and bisexuals being

reported. Her figures also describe the local situation in almost all parts of Sweden.

8. The attitude of the general public

The National Institute of Public Health (Folkhälsoinstitutet) has financed a study which will examine the attitude of the general public towards lesbians and gays. The preliminary findings of this study show large variations between the different regions of Sweden.

GUERNSEY LOWERED AGE OF CONSENT TO 18 - NOT YET

by Helmut GRAUPNER, Rechtskomitee LAMBDA, Vienna

In Euroletter 67 it was reported: "The Guernsey Parliament has lowered the self-governing island's age of consent for gay sex. The age (previously 21) was lowered to 18, but remains unequal to the heterosexual age of consent of 16."

In a letter to Helmut Graupner however the Bailiff of Guernsey on 11.02.1999 however indicated: "The States of Guernsey (the Parliament of Guernsey) at their meeting on the 28th January, 1999, agreed in principle to lower the age of consent for male homosexual relations from 21 to 18 and directed the preparation of the necessary legislation to give effect to this decision. In due course a draft law will be presented to the States of Guernsey for approval."

UN-COMMITTEE ON THE RIGHTS OF THE CHILD SUGGESTS TO EXTEND DISCRIMINA-TION OF GAY ADOLESCENTS TO LESBIAN ADOLESCENTS

By Helmut GRAUPNER, Rechtskomitee LAMBDA, Vienna

Platform Against Art. 209, the national coalition of (nearly all) Austrian 1/g organizations and a lot of ,mainstream" associations, filed a complaint against the discriminatory age of consent for gay men in Austria (Art. 209 CC: 18 years, while 14 for HTS and lesbians) with the UN-Committee for the Convention on the Rights of the Child (CRC) in Geneva. The *Platform* argued that Art. 209 violates the right of adolescents to privacy and the right of gay and bisexual youth to non-discrimination (Art. 2, 3, 12 & 16 CRC) and asked the *Committee* in the framework of the examination of the Austrian report according to Art. 44 CRC (CRC/C/11/Add. 14) to urge the Republic of Austria immediately to repeal Art. 209 of the Austrian penal code.

Platform against Art. 209 filed its complaint in German language in February 98 and could achieve the support of the Geneva based NGO Group for the Convention on the Rights of the Child. Since none of the current Members of the Committee however does know German they asked for an English translation which we sent nearly one week before the first meeting between NGOs and the Committee on 8th June. Due to postal errors the translation did arrive late. Luckily however our Platform has been represented in the meeting by Mr. Paul Arzt, Child and Youth Ombudsman of the State of Salzburg, and he had in his possession a faxed copy of the (English version of the) report and once he and the NGO Group realized the extent of the Committee's interest in the issue, they quickly made copies of the report (in English) and distributed it to the Committee members during the course of the meeting. The Committee asked a number of questions with regards to the issue which Mr. Arzt was able to answer to the satisfaction of the Committee and the NGO Group believed that the Committee would raise the issue with the Austrian government during the examination of the initial (Government) report in January 1999.

Indeed the Committee raised the issue with the Austrian government and asked for a written comment and during the hearings with the representatives of Austrian government on 12th and 13th January in Geneva members of the Committee criticized the position of Austria (see protocols of the 508th session (par. 12, 78) and 509th session (par. 34)).

At the end of the first day of the hearings the Austrian "National Coalition for the Implementation of the U.N. Convention on the Rights of the Child" (consisting among others of the Austrian Federal Youth Council, UNICEF Austria, and the Permanent Conference of Austrian Child and Youth Ombudspersons) submitted "Final Recommendations" to the Committee calling on it to ask Austria to comply with the resolutions of the Parliamentary Assembly of the Council of Europe and the EU-Parliament which demanded the repeal of Art. 209 (see text below).

At the end of January the Committee however released its "Concluding Observations" which do not only ignore the issue but even suggest that the age limit for lesbian relations be raised to 18 as well. The report says, that "the Committee recommends that the State party consider undertaking an in-depth study relating to ages, sexual consent and sexual relations ... with a view to making it as conducive to the realization of the rights of girls as it may be for boys".

So the position of the Committee is not that the discriminatory age limit for gay men in Austria

violates "the rights of boys" but instead the absence of such a law for lesbians would violate "the rights of girls" (presumably to be protected against lesbian women).

The text of the "Concluding Observations" does not allow to be interpreted as suggesting to raise the age limit for heterosexuals to 18 as well (an age limit as high as no jurisdiction upon the whole European continent has or ever had for heterosexual relations). The Committee clearly speaks about "making (the law) as conducive to the realisation of the rights of girls as it may be for boys". So girls should be as effectively protected as boys are now by Austrian law. But a difference (seemingly a "deficit" in the eyes of the Committee) between boys and girls does exist only as regards homosexual relations (14 for lesbians and 18 for gays). For heterosexual relations there is no difference (no "deficit"); the age limit is 14 for girls and boys alike. So in the heterosexual sphere there is no room for "making (the law) as conducive to the realisation of the rights of girls as it may be for boys". See also the first sentence of par. 16: "The Committee is concerned about remaining instances of gender discrimination". Significantly the criticism expressed by one member of the Committee during the sessions with the Government of Austria addressed the difference between the age limit for lesbians and for gay men only, but not in any way the difference between the age of consent for heterosexual relations on the one hand and homosexuals on the other (cf. protocols of the 508th session (par. 12, 78) and 509th session (par. 34)).

So the Observations of Committee clearly suggest to extend the discriminatory provisions of the Austrian criminal law for gay adolescents also to lesbian adolescents.

Please write letters of protest to the

COMMITTEE ON THE RIGHTS OF THE CHILD United Nations Palais des Nations Geneva Switzerland

And send copies to

NGO-Group for the Convention on the Rights of the Child c/o Defence for Children International ATT.: Shireen Said PO Box 88 CH-1211 Geneva 20 Tel.: ++41/22/734 05 58 Fax: ++41/22/740 11 45 e-mail: dci-ngo.group@pingnet.ch 2. Plattform gegen § 209 Linke Wienzeile 102, A-1060 Vienna Tel. & Fax: ++43/1/876 30 61 e-mail: rk.lambda@magnet.at

Comittee on the Rights of the Child

Twentieth Session Consideration of Reports submitted by States Parties under Article 44 of the Convention

Concluding Observations of the Committee on the Rights of the Child: Austria

(CRC/C/15/Add. 98; January 1999) ...

C. Principal Subjects of Concern and Committee Recomendations

16. The Committee is concerned about remaining instances of gender discrimination. The Committee recommends that the State party consider undertaking an in-depth study relating to ages, sexual consent and sexual relations, taking into consideration present legislation, its implications and impact on children in the light of the principles and provisions of the Convention, with a view to making it as conducive to the realization of the rights of girls as it may be for boys and giving due regard to the best interests of the child.

National Coalition for the Implementation of the U.N. Convention on the Rights of the Child Austria Final Recommendations regarding the Initial Report of Austria

The National Coalition for the Implementation of the U.N. Convention on the Rights of the Child appreciating the commitment of the honorable members of the Committe on the Rights of the Child and their openness in taking account the informations and requests submitted by the National Coalition, considering that the monitoring process of the Committee is of great importance to the implementation of the principles and provisions of the Convention in all countries, apologizing for the inconvenience that we were not able to provide alternative information to the Austrian government's answers to the list of

issues, since they were not available to us before yesterday, being disturbed in some way by the yet unclear position of the Austrian government if Austria's legal system and policies on the federal as well as the state levels comply with the Convention or there is still a lot of work to do to fully implement the Convention in our country, bearing in mind that some crucial questions that were raised by members of the Committee at the present session still are waiting for comprehensive answers by the State Party, has agreed after dinner yesterday to draw the attention of the honorable Committee to the following issues and questions, that might be raised by members of the Committee:

...

...

2. AGE OF SEXUAL CONSENT WITH SPECIAL REGARD TO HOMOSEXUAL RELATIONSHIPS Since governmental proposals on this issue did not find a majority in the Federal Parliament, is the Federal Government considering new measures to comply with the demands of the Council of Europe and the European Parliament on the bases of non-discrimination (art. 2 of the Convention) and granting an equal age of sexual consent to heteroas well as homosexual relationships and furthermore an equal age of consent to male as well as female homosexual relationships?

Salzburg/Vienna/Geneva, January 13th 1999 Paul Arzt

Ombudsperson for Children and Youth Salzburg Spokesperson of the Delegation of the National Coalition

The full text of the Concluding Observations and of the protocols of the three sessions of the Committee with the Austrian government can be found at: http://www.unhchr.ch/tbs/doc.nsf (follow: documents -> per country -> Austria -> Convention on the Rights of the Child)

ANDALUSIA: BLEAK PROSPECTS IN THE SPANISH PARLIAMENT

By Cesar Leston, Fundacion Triangulo

The Asociacion de Identidad de Genero (Gender Identity Association), a Spanish transsexual organised group, directed to all gay-lesbian, bisexual, transgender, transsexual groups, as well as human rights organizations wants to ask for you and ask for your solidarity.

On February, the 11th, the Andalusian Parliament had the representatives of Identidad de Genero as guests for the discussion of a motion introduced by the PSOE (Socialist Party) about transsexual people's rights, especially the right to sex reassignment surgery at the expense of the Andalusian Health Service. The motion was passed with no votes against: the PSOE, Andalusian Party and United Left (IU) and the abstention of PP (Conservative) pushed up to this historic victory; a victory that should fill with pride not only all the GLBTT people in Spain but everyone all over the world that cares for human rights and human dignity.

This subject has been widely echoed by the media all around Spain and also in Latin America. It seems not to be a coincidence the fact that the following March, the 17th, a similar motion - this time brought up by United Left - will be discussed at the national Parliament in Madrid.

However, the PP position, that gathers there the majority of seats, is so doubtful, perhaps negative, that we are already expecting the worst to happen. Therefore, we must desperately need mobilisations and support - indeed real mobilisation and support from all transsexual, gay and lesbian, transgender, bisexual and human rights organizations in Spain, Europe and the Americas.

If this proposal does not turn into its passing, transsexual people all over Spain, except Andalusia, will most likely have to wait several years yet before obtaining the right to gain their dignity, their only open door to live, the free sex reasignment surgery as well as a Sex Changing Law.

If vote in Andalusia has been a victory for all the GLBTT movement in our country, we hope that motion in Madrid will be not a defeat. Your help, your mobilisation, is needed.

NORDIC GAY/LESBIAN STUDENT CONGRESS

By Conny Ohmann

The Gay/Lesbian Students of Uppsala will arrange a Nordic Gay/Lesbian Student Congress with lectures and workshops, dinner and disco April 17-18.

See further information on this web-site: http://www.student.uu.se/studorg/fugs/kongress/index .htm

LEGAL RECOGNITION OF SAME-SEX PARTNERSHIPS, A CONFERENCE ON NATIONAL, EUROPEAN, AND INTERNA-TIONAL LAW

Centre of European Law School of Law, King's College, University of London

Thursday to Saturday, 1 to 3 July, 1999

Confirmed Chairs (as of 25 Feb. 1999) include:

- w The Rt. Hon. The Lord Slynn of Hadley, Law Lord, House of Lords, UK
- **w** Judge Deborah Batts, US District Court, Southern District of New York, USA
- W Martin Bowley QC, 36 Bedford Row, London, UK
- **w** Mr. Justice Edwin Cameron, High Court, Johannesburg, South Africa
- **w** Professor Didi Herman, Keele University, UK
- **w** Madame No=EBlle Lenoir, Membre, Conseil Constitutionnel, France
- W L'Honorable Juge Claire L'Heureux-Dube, Supreme Court of Canada
- **w** Judge Federico Mancini, European Court of Justice, Luxembourg
- w Professor David Richards, New York University, USA
- w Dr. Pieter van Dijk, Member, Council of State, Netherlands; Judge of the European Court of Human Rights, Strasbourg (1996-98)

Confirmed Speakers (as of 25 Feb. 1999) include:

- w Professor Giuseppe Tesauro, President, Italian Competition Authority; Advocate General, European Court of Justice, Luxembourg (1988-1998) (Advocate General in P. v. S. & Cornwall County Council, 1996)
- w Judge Michael Elmer, Vice-President, Maritime and Commercial Courts, Copenhagen, Denmark; Advocate General, European Court of Justice, Luxembourg (1994-97) (Advocate General in Grant v. South-West Trains, 1998)
- w (paper to be introduced by Cherie Booth QC, 4/5 Grays Inn Square, London, UK)
- Peter Duffy QC, Essex Court Chambers, London, UK
- w Mads Andenes, King's College, University of London, UK
- w Martha Bailey, Queen's University, Canada
- w Nicholas Bamforth, Robinson College, University of Cambridge, UK
- Mary Bonauto, Gay & Lesbian Advocates & Defenders, Boston, USA
- w Daniel Borrillo, Universite de Paris X (Nanterre), France
- w Ruth Busch, University of Waikato, New Zealand
- w Donald Casswell, University of Victoria, Canada
- w Andy Chiu, City University of Hong Kong
- Matthew Coles, American Civil Liberties Union, New York, USA
- w Davina Cooper, Keele University, UK
- w William Eskridge, Yale University, USA

- w Chai Feldblum, Georgetown University, USA
- **w** Leo Flynn, Legal Secretary, European Court of Justice, Luxembourg
- **w** Sandra Fredman, Exeter College, University of Oxford, UK
- **w** Helmut Graupner, Rechtskomitee Lambda, Vienna, Austria
- w Aeyal Gross, Tel-Aviv University, Israel
- **w** Elspeth Guild, University of Nijmegen, Netherlands
- w Craig Lind, University of Sussex, UK
- w Janet Halley, Stanford University, USA
- **w** Eric Heinze, Queen Mary & Westfield College, University of London, UK
- w Laurence Helfer, Loyola Law School, Los Angeles, USA
- w Rainer Hiltunen, SETA, Helsinki, Finland
- **w** Andrew Koppelman, Northwestern University, USA
- w Kathleen Lahey, Queen's University, Canada
- w Arthur Leonard, New York Law School, USA
- **w** Andreas Mihalopoulos-Philippopoulos, Birkbeck College, U. of London, UK
- w Alice Miller, Columbia University, USA
- w Leslie Moran, Birkbeck College, University of London, UK
- **w** Wayne Morgan, University of Melbourne, Australia
- w Nancy Polikoff, American University, USA
- **w** Gioia Scappucci, Coll=E8ge d'Europe, Belgium
- w Kendall Thomas, Columbia University, USA
- w Kenji Yoshino, Yale University, USA
- **w** Kees Waaldijk, Universities of Leiden and Utrecht, Netherlands
- **w** Stephen Whittle, Manchester Metropolitan University, UK
- **w** Robert Wintemute, King's College, University of London, UK
- w Evan Wolfson, Lambda Legal Defense, New York, USA
- w Hans Ytterberg, Ministry of Justice, Sweden

FOR FURTHER INFORMATION AND A REGISTRATION FORM:

http://www.kcl.ac.uk/kis/schools/law/research/cel/ind ex.html

or

Administrator Centre of European Law School of Law King's College London, Strand London WC2R 2LS, Great Britain Telephone/Fax: (44) (171) 873-2387 (changing to 848-2387 from 7 April 1999)

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