

# EURO-LETTER

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**Previous issues:** all previous Euro-Letters in English as well as the German and Portuguese translations from No.76, January 2000 and Greek translation from No 127, January 2006 are available in pdf format on our website: [www.ilga-europe.org/europe/publications/euro\\_letter](http://www.ilga-europe.org/europe/publications/euro_letter)

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The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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## ILGA-EUROPE:

### Register for ILGA-Europe conference, 26-29 October, Sofia

*by ILGA-Europe*

Registration for our conference opened last July, now you can also register for the conference on-line:

[www.ilga-europe.org/conference](http://www.ilga-europe.org/conference).

You can also access the second mailing documents which were sent out on 16 August on our conference site:

[www.ilga-europe.org/conference](http://www.ilga-europe.org/conference).

### First World Outgames and International Conference on LGBT Human Rights: Montreal, July 2006.

*by Patricia Prendiville, ILGA-Europe Executive Director*

First impression of Montreal was at the airport...where posters in the luggage reclaim area suggested we leave our baggage behind! I thought this must be an event that is having an impact on the citizens of the city. I also thought what a level of organising must have gone in to the event to be able to achieve this.

So...an excellent start.

I arrive at the hotel, and all the staff are wearing badges welcoming people to the Outgames/International LGBT Human Rights Conference. And only about 30 of us were staying in this hotel....

The conference was big! It had 1,500 people registered for the International LGBT Human Rights, Workers Out and out for Business combined conferences.

There was an astonishing array of workshops throughout the days, the plenary sessions were inspiring, informative and a quick insight into how north Americans 'do' conferences. It was a bit disconcerting for some of us Europeans to have so much spontaneous applause and standing-ovations throughout the speeches at the plenary sessions! What was being said was very strong, politically necessary for the attainment of full equality for all LGBT people throughout the world, brave and challenging.

I was mostly moving between the three conferences and there was a very positive buzz in the mixture people meeting up with others attending the other 'conferences' this mix brought many additional benefits of networking across the usual groupings, information sharing, opportunities for co-operation and a general realisation that, of course, we are all in the big picture together!

A number of keynote speeches will continue to be quoted, used and recalled for the positive and important note that was struck in terms of unequivocally calling for LGBT rights as human rights, the role of LGBT human rights defenders, the need for public recognition of where these rights are being denied and the need to recognise the diversity within our communities. See ILGA-Europe website for the speeches from Louise Arbour - UN Human Rights Commissioner, Anastasia Crickley from OSCE , and Vladimir Spidla from European Commission.

Panels on Europe, Asia, Africa, Latin America and in the South were more focused on detailing the lived realities of all the different regions of the world. The workshops gave us some time to present more detailed information about actions, projects, opportunities within the worlds of work, education, building alliances, health and so many more that I wasn't able to even know about there was so much happening. A very interesting model of having speakers from different regions on the same topic was useful in the workshops so that a more globalised view could be obtained and not simply one region.

The collective buzz of 1,500 people at lunch time was exciting and stimulating. Admittedly there were times when the options available for workshops, people to meet, evening events to attend were too much and hard choices had to be made. But that's the other side of such a large scale event.

The Montreal Declaration was agreed by the conference on the final day, and this will be used as a benchmark for future conferences, to indicate the arena of LGBT human rights that are being argued and to provide a very useful tool for campaigners, lobbyists and organisations across the globe to feel connected to the work happening everywhere to ensure the human rights of LGBT people.

There is a very strong team already organising for Copenhagen 2009 – where what worked in Montreal will be carried forward!

More information about the Montreal Conference including the Montreal Declaration and keynote speeches are on our website:

[www.ilga-europe.org/europe/news/international\\_conference\\_on\\_lgbt\\_rights\\_montreal](http://www.ilga-europe.org/europe/news/international_conference_on_lgbt_rights_montreal)

## ILGA-Europe awarded prize at Berlin CSD

*by Kurt Krickler, 16 August 2006*

On 22 July 2006, ILGA-Europe received one of the seven “Zivilcourage” awards presented this year by Berlin’s CSD association, the organiser of the annual LGBT pride parade, to persons and organisations “considered to be shining examples of determination and courage and of taking a stand in the interests of minorities, all in the spirit of a discrimination-free European society”. The prizes were handed over during the pride event’s closing rally on the stage under the “Siegessäule”, facing the Brandenburger Tor. Several hundred thousand people had gathered on the 17 June Boulevard between these two landmark Berlin sights to party and celebrate after the parade.

ILGA-Europe received the prize for its impressive lobbying work at the European level, together with Kurt Krickler, co-founder of Homosexuelle Initiative (HOSI) Wien in 1979, who has also been active in ILGA since 1981. The other 2006 prize winners are Spanish prime minister José Luis Rodríguez Zapatero; the “Lesbenberatung e.V. Berlin”, the city’s lesbian counselling centre since 25 years; Volker Beck (Green Party) and Margot von Renesse (Social-Democrat Party) whose input and commitment were instrumental in Germany adopting its registered partnership law in 2000; and Tomasz B<sup>1</sup>czkowski, president of “Fundacja Równości”, Poland’s Equality Foundation, responsible for organising the annual pride parade in Warsaw under very adverse circumstances.

## ILGA-Europe is looking for volunteers-translators

*by Juris Lavrikovs*

ILGA-Europe is currently looking for volunteers to help us to translate our general leaflet about ILGA-Europe into all European languages. This short leaflet provides an overview of what is our organisations and why it exists and is needed, it summarises our aims, mission, membership and possible ways of getting involved and supporting the organisation.

Aim of this leaflet is to raise awareness about ILGA-Europe and its work in all European countries and among various target audiences, mainly those not aware or familiar with our work.

If you want and able to help us, please find English text of the leaflet as well as already available translations on our website:

[www.ilga-europe.org/europe/publications/non\\_periodical/general\\_leaflet\\_about\\_ilga\\_europe\\_june\\_2006](http://www.ilga-europe.org/europe/publications/non_periodical/general_leaflet_about_ilga_europe_june_2006)

As you can imagine there is no way we can check the grammar of all European languages and to compare different translations into one specific language, therefore we will use the first translations we receive and we thank you in advance for your efforts to provide us with the most accurate and correct translations!

## SAME-SEX FAMILIES:

### Iceland: New Laws on Confirmed Cohabitation Grant Full Legal Rights of Marriage

*By Hrafnhildur Gunnarsdottir, 12 June 2006*

On the 2nd of June, Icelandic parliamentarians – the ancient Althing – approved several laws aiming to improve the legal status of gays and lesbians in Iceland. Most importantly, changes to the statutes on confirmed cohabitation from 1996 now grant full rights to adoption and assisted pregnancies. Confirmed cohabitation now in effect grants the full legal rights of marriage. Same-sex cohabitants also gain the right to register their cohabitation with the authorities without full confirmation or marriage – a right which opposite-sex couples have enjoyed for many years already. Though quite advanced on gay and lesbian rights, Iceland had lagged a bit behind in recent years. The country has now stepped back among the leading nations to guarantee marriage and family rights to gays and lesbians. The new laws will take effect on Christopher Street Day, June 27, and celebrations are planned in Reykjavik.

Samtökin'78, the National Organization of Lesbians and Gay Men in Iceland, was founded in 1978, at a time when prejudice and discrimination forced many gays and lesbians to immigrate abroad. The success of the new organization was nothing short of remarkable. In just a few years, it managed to set up an extensive dialog, the media came out in support gay rights and fighting prejudice became a family issue among the Icelanders where family connections are still strong in a population of only 300,000. The first milestone victory on the legal front came in 1996 with the passing of laws on confirmed cohabitation, but even so, gays and lesbians were still barred from adopting or seeking assisted pregnancies in Iceland's free public hospitals.

#### **Adoption and Assisted Pregnancies**

Further amendments in 2000 permitted stepchild-adoption for those in confirmed cohabitation, a move intended to strengthen the legal rights of such children. These restrictions have now been removed altogether, granting full and free adoption rights to same-sex couples in confirmed cohabitation. Furthermore, lesbian couples in confirmed cohabitation have the right to assisted pregnancies within the public health system. Also, under the new law, couples who do not want to take the full step to confirm cohabitation can now nonetheless register cohabitation with the authorities as opposite-sex couple have done for years – an important step in Iceland as it involves the right to seek common taxation. As far as family law is concerned, all discrimination against gays and lesbians has now been removed in Iceland.

#### **Struggling with the Church of Iceland**

In Iceland, both civil officials and ministers of churches and religious movements have the authority to join people in legal marriage, as is also the case in other Nordic countries. However, only civil officials can legally confirm the cohabitation of same-sex couples. Gays now seek legislation to change this but parliament could

not agree, mostly because of opposition from the Lutheran state church which is itself divided on the issue. This does not in any way limit the legal rights of same-sex couples but the right to have their union confirmed by their church is important to many. The struggle will not end until churches and religious groups have the authority to join gay and lesbian couples, blessing their union and granting full legal rights at the same time.

### **The Successful Fight for Gay and Lesbian Rights in Iceland**

In only thirty years, attitudes to gays and lesbians have been totally transformed in Iceland. International polls now show that more people in Iceland support gay and lesbian rights than in other countries, excepting Sweden and the Netherlands. Gay bashing is a thing of the past, the children of gays and lesbians enjoy full social security and workplace harassment has become rare. On the second weekend of August each year, gays and lesbians take to the streets in Reykjavik in a Gay Pride Parade which draws 40,000 people, a full third of the entire population of the Icelandic capital showing their support for human rights and equality for all.

## UK: Same sex couple lose marriage laws challenge

*Source: Liberty press release, 31 Jul 2006, [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk)*

A British same-sex couple, Celia Kitzinger and Sue Wilkinson, today were denied legal recognition of their Canadian marriage in the first such case to be brought in the UK. They have spent their life savings to bring the landmark legal challenge.

The Court found that their right to private life does not require the state to recognise their marriage. Further, the Court determined that the right to family life does not extend to childless same-sex couples. Although the Court found that the couple had been discriminated against in their right to marry their partner of choice, this discrimination was justified to protect the traditional notion of marriage as a union between a man and a woman primarily with the aim of producing children.

### **Sue Wilkinson said:**

“We are deeply disappointed by today’s judgment – not just for ourselves, but for same-sex couples nationwide. Denying the validity of our marriage upholds discrimination and inequality. This judgment will not stand the test of time, and we look forward to the day when there is full equality in marriage for same-sex couples.”

### **Liberty legal officer Joanne Sawyer said:**

“Celia and Sue have bravely taken the first step on the road to securing equal marriage rights for same sex couples. I have no doubt that today’s judgment will in due course be viewed as being out of step with contemporary values.”

## Norway: Oslo sperm bank rejects gays

Source: UPI, 8 August 2006, [www.upi.com/NewsTrack/view.php?StoryID=20060808-122208-9714r](http://www.upi.com/NewsTrack/view.php?StoryID=20060808-122208-9714r)

One of Norway's two sperm banks has launched a donor recruitment drive but says homosexuals are not welcome.

The sperm bank at the Rikshospitalet has been hit hard by a new law that allows children born through sperm donation to learn their fathers' identities when they turn 18, a prospect that has made many men reluctant to donate. The newspaper Dagsavisen reports the bank is falling short of its goal of doubling the number of donors every year.

"The main motivation for a donor must be a desire to help others, not, for example, donating sperm in order to spread one's own genes," Peter Fedorcsak, the head of the sperm bank, said, explaining that he questions the motives of gay donors.

The other national sperm bank in Norway does not consider donors' sexual identity.

"We want a cross-section of maleness in Norway," said Eva Bakke, operations manager at the Haugesund Sperm Bank. "Some men are homosexual, so that would be just fine."

# TRANSGENDER:

## Austria follows European Court jurisprudence in transgender case

*by Kurt Krickler, 16 August 2006*

Over the last 25 years, the European Court of Human Rights in Strasbourg has established substantial case law in transgender issues, including the right of a person to be recognised in the “new” gender after sex reassignment surgery and to have her/his gender changed in official records such as the birth registry and in official documents such as birth certificates or identity cards.

In June 2006 the Austrian Constitutional Court had to decide in a case where the authorities had refused to change the applicant’s gender in the birth registry after gender reassignment because the male-to-female transgender person is still married to another woman. Since there is no law on transgender issues in Austria, the Ministry of the Interior has been regulating these issues by way of decrees. Its 1996 “decree on transsexuals” provided for the change of gender in the birth registry only in the event that the person is not married – in order to avoid same-sex marriages that are prohibited by Austria’s Marriage Act. Practically, a gender reassignment operation in Austria could not be done in the first place if the person is still married. But if the surgery is done abroad, this is, of course, beyond the control of the Austrian authorities.

The Constitutional Court could not ignore the ECtHR case law and therefore had to rule in favour of the complainant who must be officially recognised in her new gender, get the entry in the birth registry and consequently her first name and her personal documents changed accordingly. However, the Court based its decision solely on formalistic reasons: It simply declared the relevant paragraphs of the decree null and void because the Ministry had failed to publish it properly in the Official Journal. Moreover, the Court found that the provision that marriage would be an impediment to rectification of the gender in the birth registry lacked any legal basis in the Personal Status Act, implying that the Ministry had overstepped its competences by usurping legislative power. The Court remarked that the refusal to rectify the gender in the birth registry could not prevent the marriage from becoming a same-sex one since the applicant obviously had created “faits accomplis” by undergoing the surgery.

The Court, however, explicitly refrained from ruling whether the recognition of the complainant in her new gender would automatically render the marriage invalid (as it would now be formed of two persons of the same sex) or whether this recognition would make the dissolution of the marriage by the authorities possible or even necessary. The Court also refrained from ruling whether the ban on same-sex marriage provided for by the Marriage Act would be unconstitutional or a breach of the European Human Rights Convention. It would have been a big surprise if the Court had delivered such a judgment because as recently as in December 2003 the Court had ruled, in a complaint challenging this legal ban on same-sex marriage, that it was not in violation of the constitution. This case, supported by HOSI Wien, is now pending before the Strasbourg court since August 2004.

This transgender ruling will not impact on marriage legislation in Austria although same-sex marriages are possible now for married couples if one of the partners undergoes sex reassignment surgery. Obviously, authorities and politicians have decided to take a “pragmatic” approach. Officials of the Ministries of the Interior and of Justice already announced that they would not make any attempts to annul such a same-sex marriage ex-officio because that would cause too much public criticism, especially in the case of the person who won the complaint. She and her partner are luckily married, have two children and refuse to get divorced. The authorities perfectly know that there will only be a few cases where a couple wants to continue to be married if one of the partners undergoes sex reassignment surgery. They also know that these circumstances do not create a precedent for two women and two men who demand to also get married without one first undergoing a sex change.

## **Lithuania: Transsexuals stand for their rights**

*by Lithuanian Gay League, 7 August 2006*

A young woman willing to have an operation to change her sex lodged a complaint with the European Court of Human Rights against Lithuania and has been invited to state her demands to the government during an open court hearing in Strasbourg on October 17th. She will also have to substantiate her 1 million litas (290,000 euros) suit against the country. The Strasbourg court received the complaint from the woman, who feels that she should have been the opposite sex, a year ago. In her complaint, the Lithuanian citizen said that she had consulted micro-surgeons over an operation to change her sex on a number of occasions and had often been sent to psychiatrists. Vilnius Psychiatric Hospital doctors have said that she is a transsexual and should undergo such an operation. This is just the second case in Lithuania’s practice when the Justice Ministry, which represents the government at the European Court of Human Rights, will have to express its position orally.

Currently in Lithuania it is not possible for transsexual people to change gender related records. The ability to change name is very limited. It is possible to change a person's name from gender related to neutral, but only for unmarried people. Although the basic right to change sex is described in Lithuanian civil code article 2.27, this article is not considered in force because no law governing sex change exists.

Recently leading national daily newspaper “Lietuvos rytas” published a first page story about 46 years old transsexual woman Medea who is struggling to overcome bureaucratic obstacles and change her biological sex. With assistance of Lithuanian gay league an official letter to the President has been sent. President is requested to exercise his legislative powers and initiate a hearing on sex reassignment law in the Parliament at the autumn session.

## **FREEDOM OF ASSEMBLY:**

### **LGBT Pride March is banned in Riga, legal Pride rally surrounded by violence and hatred**

Read facts, detailed reports, personal stories and accounts, view images from Riga Pride on our website:

[www.ilga-europe.org/europe/guide/country\\_by\\_country/latvia/riga\\_pride\\_2006](http://www.ilga-europe.org/europe/guide/country_by_country/latvia/riga_pride_2006)

### **LGBT Pride March is banned in Bursa:**

Read a press statement by the Rainbow Association for Protecting Transvestites, Transsexuals, Gays and Lesbians, Solidarity and Development of Cultural Activities on our website:

[www.ilga-](http://www.ilga-europe.org/europe/guide/country_by_country/turkey/our_legal_march_has_been_suspended_with_the_reason_of_an_illegal_aggressive_protest)

[europe.org/europe/guide/country\\_by\\_country/turkey/our\\_legal\\_march\\_has\\_been\\_suspended\\_with\\_the\\_reason\\_of\\_an\\_illegal\\_aggressive\\_protest](http://www.ilga-europe.org/europe/guide/country_by_country/turkey/our_legal_march_has_been_suspended_with_the_reason_of_an_illegal_aggressive_protest)

### **LGBT Pride March in Tallinn allowed but attacked by skinheads, at least 6 people injured:**

Read the details on our website:

[www.ilga-europe.org/europe/guide/country\\_by\\_country/estonia/tallinn\\_pride\\_2006](http://www.ilga-europe.org/europe/guide/country_by_country/estonia/tallinn_pride_2006)

## EPOA conference to be held in Madrid in October 2006

*by Kurt Krickler, 16 August 2006*

This year's annual conference of EPOA, the European Pride Organisers Association, will be held in Madrid, next year's EuroPride city, from 6 to 8 October. In view of the increasing number of hostile and violent incidents at pride events in certain countries and also the declining interest and participation of LGBT communities in these events in other cities, EPOA invites pride organisers in Europe to join EPOA and attend the conference. It will be an excellent opportunity to exchange information and ideas how to organise a successful pride, to discuss current trends and how to keep pride attractive for the community. The EPOA conference is the perfect forum for pride organisers to meet others and to establish "twinning" relations, for example between better-off pride organisers and those who face a hostile environment. The conference will also decide the host city for EuroPride 2009. The venue for EuroPride 2008 (Stockholm) was already chosen last year.

### **For more information contact:**

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# HATE CRIME:

## UK: Most hate crimes 'not reported'

Source: BBC, 16 August 2006, [http://news.bbc.co.uk/2/hi/uk\\_news/4795907.stm](http://news.bbc.co.uk/2/hi/uk_news/4795907.stm)

Victim Support found the 107 hate victims they interviewed also feared going to court and revenge attacks. Of those who did report the crime, only one in five felt they were well supported by the police, it said. An Association of Chief Police Officers spokesman said hate crime investigations were given top priority.

Paul Fawcett, of Victim Support, said: "Publishing the report highlighted the invisibility of the problem. "Hate crime is a very clear indicator of a destabilised society. We have to be mindful of not demonising people."

The report, entitled Crime and Prejudice, focused on the experiences and support needs of people who had suffered attacks because of their ethnic origin or sexual orientation. It said the research revealed evidence of police taking a "there is nothing we can do" approach towards so-called low-level harassment. The victims wanted the police to be "more communicative and "more sympathetic and to take hate crime seriously".

Another common complaint was about lack of action by police, either to help solve problems or to pursue the perpetrator, it said. Officers were also criticised for failing to keep victims fully informed about the progress of cases. Mr Fawcett added: "Victims of hate crime can feel isolated in the community they live in, for example, if they were targeted because they are lesbian or gay, or they can feel isolated by language or culture if they have come to England from another country. The findings are worrying and disappointing. We are disappointed about the level of resources provided to deal with this hidden problem."

But where police had a specific brief to tackle hate crime there had been some success, he added. The report noted that, where victims were dealt with by specialist police officers, these were seen as the most helpful source of support. The researchers called for greater investment in the promotion of services to at-risk communities and greater understanding from the police and Crown Prosecution Service when responding to the needs of victims. It also recommended that hate crime should be recorded more accurately.

The Home Office said it wanted to "see more progress in investigating and prosecuting hate crimes". A spokesman said: "We are committed to ending hate crime in all its forms. Failure to tackle hate crimes undermines confidence in the criminal justice system and can bring fear to whole communities.

### 'High priority'

"We want people to have confidence that when they report crimes, action will be taken." He said the Home Office was looking at introducing schemes to make reporting of hate crimes easier for victims. Ideas included third-party reporting schemes and a 24-hour help line dedicated to reporting hate crimes.

Peter Fahy, of the Association of Chief Police Officers, said: "The detection rate for hate crimes is higher than crime in general and there has been a significant rise in the number of successful prosecutions for racially aggravated and religiously aggravated offences. Hate crime investigations are given high priority and the police service does not apologise for this."

The study was part of a £100,000 research programme funded by Co-operative Insurance (CIS).

# NOTICE BOARD:

## Appear on a video of the last ILGA World Conference

*by Yves De Matteis, 8 August 2006*

Videos of the last ILGA World Conference, which took place in Geneva from 27th of March to 3rd of April, are being produced. This will allow all the people who couldn't come to the Conference to actually see the film of most plenary sessions of this event. The agreement of people appearing as speakers will of course be required in order to protect their wish for privacy or anonymity.

The production of the videos, as well as costs linked to this production, will required supplementary funds. By sending a donation – starting from 200 € on – foundations or organizations will see their logo appear at the beginning and at the end of the videos, which are on subject as diverse as: religion, LGBT health, transgender issues, African LGBT movements, international collaboration, LGBT rights and the UN, with speakers varying from LGBT and NGO activists to members of Parliaments or experts.

The attribution of spaces for donors will be limited – for more visibility – and the first come will be the first served. When the costs are entirely covered, the money left will go to ILGA in order to finance the scholarships of the next ILGA Conferences as a priority, including the 24th ILGA World Conference in Quebec and the 25th in Moscow.

If you are interested or if you want to know more about the videos available to support, contact us at:

**[information@ilga.org](mailto:information@ilga.org)**

## Call for Papers - 3rd Global Conference: Sex and Sexuality - Exploring Critical Issues

Wednesday 29th November - Saturday 2nd December 2006  
Cracow, Poland

This research conference seeks to examine issues of sexuality across a range of critical and cultural perspectives. Seeking to encourage innovative inter- and multidisciplinary dialogues, we warmly welcome papers from a variety of disciplines, including but not limited to anthropology, cultural studies, education, gender studies, history, law, literature, medicine, psychology, religion, sociology and social work.

We also welcome contributions from queer activists and professionals in non-profit and non-government organizations.

Papers will be considered on related themes. 300 word abstracts should be submitted by Friday 22nd September 2006. Full draft papers should be submitted by Friday 17th November 2006.

All papers accepted for and presented at this conference will be published in an ISBN eBook. Selected papers accepted for and presented at the conference will be published in a themed hard copy volume.

Papers should be submitted to the organising committee as an email attachment in Word or WordPerfect; abstracts can also be submitted in the body of the email text rather than as an attachment.

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The conference aims to bring together people from different contexts, disciplines, professions and interests to share ideas and explore various discussions that are innovative and exciting.

For further details about the conference please visit:

[www.inter-disciplinary.net/ci/sexuality/s3/cfp.html](http://www.inter-disciplinary.net/ci/sexuality/s3/cfp.html)