Rainbow Families in Europe

NELFA KEYNOTE SPEECH
AT THE FOURTH EQUAL OPPORTUNITIES OFFICE AWARENESS EVENT FOR IDAHOT
IN THE GENERAL SECRETERIAT OF THE COUNCIL OF THE EUROPEAN UNION
BRUSSELS, 17 MAY 2018
What is a Rainbow Family?

DEFINITION: It’s a family, where a child has (or several children have) at least one parent who identifies themselves as lesbian, gay, bisexual, trans, intersex or queer...
What is NELFA?

NETWORK OF EUROPEAN LGBTIQ* FAMILIES ASSOCIATIONS (BRUSSELS)

FOUNDED IN 2009, REGISTERED AS NON-PROFIT ORGANISATION IN 2012

CURRENTLY 31 ORGANISATIONS in 19 EUROPEAN COUNTRIES (WITH MORE THAN 20.000 MEMBERS)

MAIN GOALS: VISIBILITY, EXCHANGE (BEST PRACTICES, NEWS), ADVOCACY WORK ON THE EUROPEAN LEVEL FOR MORE RECOGNITION, PROTECTION, EQUAL TREATMENT AND ACCEPTANCE
LGBTIQ* - what is your problem?

WISH TO BECOME PARENTS – BUT HOW?

LACK OF...

INFORMATION ABOUT ALTERNATIVES
FINANCIAL RESOURCES
ADEQUATE AND EQUAL LEGAL RIGHTS
ACCEPTANCE IN GENERAL
(LESBIAN) SINGLES OR COUPLES...

PREGNANCY....

- Who will be the biological mother?
- Who should be the biological father?
- A known or anonymous sperm donor?
- Home insemination or medical practice?
- In your home country or abroad?
- Assisted procreation? (IUI, IVF, ICSI)?
- Alternatives: Adoption, Foster Care...

Photos: Stock uguhar, queer-baby.info, babyhintsandtips.com, pinterest.co.uk
SOME LEGAL HURDLES …

- Yes-donor obligation? (different regulations)
- Access to medically assisted procreation?
- Registration of the child? (birth certificate…)
- Automatic co-parent recognition?
- Stepchild adoption or nothing like this?
(Gay) SINGLES OR COUPLES…

- Should I become a biological father?
- How much should I be involved?
- Co-parenting constellations?
- (Joint) adoption – but where?
- Foster care – in which way?
- Surrogacy? (costs, registration…)

Photos: lighthouse-film.com, queer-baby.info, Getty images for EJAF/mk, LSVD
SOME LEGAL HURDLES...

- No legal rights for more than two parents
- Limited adoption rights for LGBTIQ* (couples)
- Foster care: limited access of LGBTIQ* couples
- Surrogacy strongly restricted in Europe

Photo: dpa
TransInterQueer?

Limited gender recognition

Required forced sterilisation for trans
   UNTIL 2017 IN 22 EUROPEAN COUNTRIES

Required hormone therapy for trans
   UNTIL 2017 IN 36 EUROPEAN COUNTRIES

Required divorce for trans
   UNTIL 2017 IN 30 EUROPEAN COUNTRIES

Medical treatment and surgeries (intersex)
LGBTIQ* “family rights”

Registered Partnership: 22 European countries

Marriage Equality: 15 European countries (13 EU)

THE NETHERLANDS, BELGIUM, SPAIN, NORWAY, SWEDEN, PORTUGAL, ICELAND, DENMARK, FRANCE, UK*, LUXEMBOURG, IRELAND, FINLAND, GERMANY, MALTA

Joint Adoption: 17 European countries (14 EU)

COUNTRIES above + ANDORRA, AUSTRIA

Second-Parent Adoption: 18 countries

(i.e. SWITZERLAND and SLOVENIA)

Automatic Co-Parent Recognition: 11 countries

Medically Assisted Insemination: 13/26 countries
(Nearly) NO rainbow family recognition

EU: POLAND, LATVIA, LITHUANIA, ROMANIA, BULGARIA, SLOVAKIA (no civil union or adoption rights)

Constitutional limitation of the term “marriage”: POLAND, LATVIA, BULGARIA, LITHUANIA, CROATIA, ITALY, HUNGARY, ROMANIA AND SLOVAKIA

Constitutional limitation (or at least attempts) of the term “family”: i.e. LITHUANIA, ROMANIA, CROATIA...
Freedom of movement?

European Union citizens (and their family members) have the right to move freely and live in another EU country, subject to any conditions set out in the EU’s treaties. **DIRECTIVE 2004/38/EC**


**Family members?**

This covers the spouse, a partner in a registered partnership with an EU citizen and direct descendants under the age of 21 … but the Directive doesn’t specify if this includes same-sex partners, too.
<table>
<thead>
<tr>
<th>Host Member State of Origin...</th>
<th>...allows same sex marriage</th>
<th>...provides registered partnership</th>
<th>...provides no status for same sex couples</th>
</tr>
</thead>
<tbody>
<tr>
<td>...allows same sex marriage</td>
<td>Host MS recognises same sex married partner as 'spouse'</td>
<td>Host MS recognises registered partnership as giving rise to family reunification rights</td>
<td>Host MS examines if a 'durable' relationship duly attested' obliges it to 'facilitate entry and residence' of the partner</td>
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<tr>
<td>...provides registered partnership or other institution equivalent to marriage</td>
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Table 1: Obligation of host Member State under the Free Movement Directive

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**EU Agency of Fundamental Rights (FRA) publication 2008**
Legal situation meets LGBTIQ* acceptance....
SOME STRUGGLE EXAMPLES...
Pavel Stotsko and Yefgeni Voitsekhowsky

Marriage in Denmark
Surprise: The registration in Moscow
Then: Death threads and persecution
Forced into exile abroad

The couple lives actually in very difficult circumstances. NELFA is in contact…

[photos: pinknews]
Giuseppina La Delfa and Raphaëlle Hoedts

2000: Registered partnership
2003: Giuseppina gives birth to a daughter
2011: Raphaëlle gives birth to a son
2013: Marriage in France (now possible)

Three families at this moment – not one!
2014: Stepchild adoption in France

Registration failed in Italy
2015: Court – marriage must be recognised
2017: Court – adoption must be recognised
2018: The final certificates are still missing…

(photos: GLD)
The UK family considered moving to France

Question: Are we accepted as family?

Embassy officials: You need to get divorced

Reason: Conversion of civil unions (UK) in 2014
France, marriages with ceremony and date
UK requires grounds + separation year

Legal status of the adopted son is unclear

NELFA is in contact with the family. The recent development seems to be positive.
Chiara Foglietta and Micaela Ghisleni

Assisted insemination in Denmark
Son Niccoló born in Italy (March 2018)
Registry Turin: ART not allowed (law 2004)
Recommendation to lie: „Sexual intercourse!“
Chiara (biological mother) refused
Mayor of Turin with a courageous decision
Niccoló was finally registered (others as well!)
Lawsuit? – LGBTIQ’ activists are confident
Everyday Challenges of Rainbow Families

• Lack of adequate IT systems sometimes can't treat rainbow families because of lacking check boxes „Computer says no!“
• Mother's Day and Father's Day
• Exclusion from discounts

(photos: queer.de, Arminiusmarkthalle, imgur.com)
Everyday Challenges of Rainbow Families

- Official documents (authorities, schools etc.) often only provide the terms "father" and "mother"
- LGBTIQ* parents and children must always take into account to come out and to disclose sensitive information
- Children of LGBTIQ* parents might face bullying (at school) because of their family constellation, which is often not mentioned in books, curriculae)

(photos: BS)
Living between backlash and progress…

(photo: huffingtonpost.com.au, dpa)
BACKLASH...

2017: Marriage equality referendum in Australia

A real battle of words - with ugly, false accusations

Finally... a majority voted YES!
Backlash...

Polemic campaigns against LGBTIQ* (parents) and "gender-madness"
Organised by wealthy conservative fundamentalists ("Citizen Go")
Successful initiatives: "Manif pour tous" movement in France 2013
Recently: "free-speech-busses" (i.e. against LGBTIQ* education in schools, trans recognition, rainbow families)

Rearguard actions?
(Right-wing) politicians use topics like „same-sex marriage“ or „trans children“ for the mobilisation: „traditional values“ against a crazy new „lifestyle“ (full of prejudice)

Hate speech of populists against LGBTIQ* is en vogue. This creates space for insults up to violent attacks (increasing numbers…)

Photos: dailymail.co.uk, pinknews.co.uk, election posters FPÖ/AFD
BACKLASH...

2015: In Nashville/USA a private school turned down prospective students because their parents are gay...

2016: Italian priests see same-sex marriage as reason for earthquakes, as "divine punishment"

2016: A bakery in Belfast didn’t want to create a cake for a same-sex couple with the claim "Support gay marriage"

2018: A group burned down a rainbow family poster at a carnival event in Kostela/Croatia after the launch of a new rainbow families children book
PROGRESS...

April 2017/2018: FamiliesAndSocieties Project (Stockholm University) – Prof. Kees Waaldijk:

“The trend of legal recognition for gay and lesbian couples is broadening. More and more rights are becoming available to same-sex partners – in more and more European countries.”


2015: Professor Nathaniel Frank: 79 scholarly studies about the well-being of children with LGBTIQ* parents

75 studies concluded that the children fare no worse than others. Only 4 studies stated that children face added disadvantages (but “unreliable assessments”)

“This research forms an overwhelming scholarly consensus, based on over three decades of peer-reviewed research, that having a gay or lesbian parent does not harm children.”

https://bit.ly/2I7QYvD
Martine Gross (CNRS Paris):

“The hundreds of studies all came to show no fundamental difference between the children raised in a household with parents of different sex and those raised by same-sex parents” [Golombek, 2015]

- NO gender identity disorders
- NO gender-role behaviour difficulties
- NOT more psychiatric conditions, emotional difficulties
- Sexual orientation is NOT dependent on parents
- The structure of a family is of much less importance than support from relatives, family dynamics and the quality of relations [Golombek, 2015]
Against a backdrop of backlash on human rights across Europe, how can states possibly think the work on LGBTI equality is finished? […] The incredible achievements of the past decade are at stake. Let’s not make the mistake of thinking that we have achieved equality. There are too many signs that trends like populism and nationalism aren’t political buzzwords – they can have a lasting impact on the lives of LGBTI people in Europe. There are too many signs around us that many of the recent wins are fragile. So let me say it again – we are nowhere near done."

ILGA-Europe Executive Director Evelyne Paradis, 14th of May 2018

CONCLUSION…?
And now? Be an open ally!
Thank you for your attention!

NELFA

... IS THE EUROPEAN PLATFORM OF LGBTIQ* FAMILIES ASSOCIATIONS, BRINGING TOGETHER LGBTIQ* PARENTS AND PARENTS-TO-BE FROM ALL OVER EUROPE. NELFA CURRENTLY REPRESENTS 31 ORGANISATIONS IN 19 EUROPEAN COUNTRIES WITH MORE THAN 20,000 MEMBERS. NELFA IS A MEMBER OF ILGA-EUROPE, TRANSGENDER EUROPE AND COFACE FAMILIES EUROPE. WEBSITE: HTTP://WWW.NELFA.ORG. LEAFLET: HTTP://BIT.LY/2RJW0US. NEWSLETTER: HTTP://BIT.LY/2FCN5C5.

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