



Brussels, 25<sup>th</sup> September 2019

## NELFA “WISHLIST” for the upcoming EU legislature

- More **research on the cross-border recognition of rainbow families**: how the Member States regulate this, where are restrictions and “no-go’s” for the countries => which countries i.e. just transcribe foreign civil documents and where this poses problems and why exactly
  - => Could be a start of a discussion for a **harmonisation of laws**
- More **European-wide research on the situation of rainbow families** and the well-being of children and their primary needs and positions and experiences with bullying, social exclusion and a lack of rights
- New efforts (EP, EC) to recognise the effects of public documents (**mutual recognition i.e. of marriage or birth certificates, adoption contracts etc.**) => means a strong upgrade of Regulation (EU) 2016/1191
- At least an **adoption of the CoE resolution on rainbow families** in the Parliament and further legislative actions on the ground of the findings
- **Freedom of Movement Directive 2004/38/EC**: clarification how rainbow families are really included: more definitive wording (“family” includes rainbow families; “parent” may also mean same-sex (co)parent, What means “child” (descendant... and adopted children i.e.)?, explanations (host member states still have the possibility to facilitate entry and residence of rainbow family members without speaking about their familial links [“dependants”, “members of the household”]); new efforts to improve the rights of registered partners to be recognised in Host Member States (whenever they don’t have similar systems) and – most important – to widen the concept from a sole possibility to reside in country B (this is obviously not the core problem) to a meaningful movement which includes an equal treatment for all other purposes and guarantees the continuation of family life as established in country A

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=> With regard to (obviously) never-ending doubts and political games in some governments, the EU Commission should consider – in spite of understandable restraint - working with enhanced cooperation. This would help a lot in those countries who recognise LGBTIQ\* families, others would be encouraged to follow

- **More guidance for Member States** (“supranational coordination” [Quote: Alina Tryfonidou]) and their administrations: What is the clear position of the EU concerning rainbow families, what are the rights, which conventions and Charters should be taken into account (possible: an **new information brochure** about the free movement of rainbow families), the no tolerance of denials because of the “public order”
- **A task force within the EU Commission to handle current cases** in direct contact with the authorities: might be easier to solve problems of individual rainbow families than to search for “big solutions” – the existing possibilities to send complaints to the EU must be communicated more open and for the public at large
- **General efforts to make rainbow families visible** and to hear the voices of the children (launch of an awareness campaign, together with NGOs)
- **New efforts to extend Directive 2007/78/EC** (no LGBTIQ\* discrimination at work) to include a general protection against discrimination (issued by the Commission in 2008, but not yet adopted)
- More **open support for rainbow families** on different occasions, **reinforcement of a dialogue** with politicians, church officials, civil society in problematic (Eastern European) countries – to find some basic similarities – at least with regard to the children and their dignity (i.e. avoiding hate speech against rainbow families, a common “calm down”)
- **sustainable funding for NELFA**: the network’s budget still derives by (small) membership fees and donations; all Board members just work on a voluntary basis and cover i.e. most of the costs for travel and stay expenses. A permanent grant to uphold at least a virtual office with one or two employees and/or a budget for meetings in Brussels or elsewhere could help NELFA to continue and professionalise its contributions