

# Rainbow Families in Europe



**nelfa** AISBL

network of european LGBTIQ\* families associations



# WHAT IS NELFA?

# NELFA

NETWORK OF EUROPEAN LGBTIQ\*  
FAMILIES ASSOCIATIONS (BRUSSELS)

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

CURRENTLY **38 ORGANISATIONS**  
REPRESENTING 31 EUROPEAN  
COUNTRIES (~ 20.000 MEMBERS)

**MAIN GOALS: VISIBILITY, EXCHANGE**  
(BEST PRACTICES, NEWS), **ADVOCACY**  
**WORK** (ON THE EUROPEAN LEVEL) FOR  
MORE RECOGNITION, PROTECTION,  
EQUAL TREATMENT AND ACCEPTANCE,  
**CAPACITY BUILDING** (ERASMUS\*, REC-  
PROJECT) AND **LEGAL SUPPORT**



# NELFA

Currently, there are **11 Board members**, elected by the AGM for two years. All „staff“ members work on a **voluntary basis**.

**PRESIDENT:** Eleni Maravelia (Spain)

**VICE PRESIDENT:** Björn Sieverding (Germany)

**TREASURER:** Giovanni Fantoni (Italy)

**SECRETARY:** Daniel Martinovic (Croatia)

NELFA is member of ILGA-Europe, Transgender Europe and COFACE Families Europe.



# COMMUNICATION and CELEBRATION!

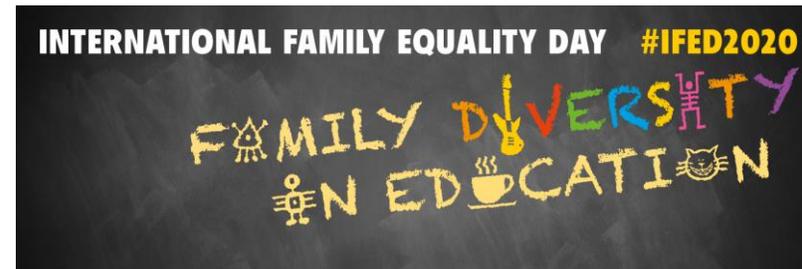
**VISIBILITY** through an exchange of LGBTIQ\* news for/about rainbow families: current discussions, laws, research findings, litigation etc. (Email, NELFA website, social media, newsletter)

International Family Equality Day (2012+)

International Day of Families (2018+)

**European Rainbow Families Meetings**

(2010, 2012, 2014, 2015, 2018)



# ADVOCACY WORK

NELFA Board members and volunteers provide **workshops, seminars, key speeches on different occasions** to raise awareness of rainbow families, they contribute with their expertise to reports, resolutions, guidelines, parliamentary hearings, committee meetings, international conferences (i.e. **ILGA**, Families&Societies, Men Having Babies)

Partners i.e. **Council of Europe** (NELFA with participatory status in the conference of INGOs), the European Parliament's **Intergroup on LGBTI Rights**, Eurochild...

Own NELFA **Rainbow Families Conferences** (Naples 2017, Lisbon 2018, Zagreb 2019)



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



**Our kids are OK**  
Rainbow Families Conference  
10. - 12. May 2019.  
Zagreb, Croatia  
Organised by  
Dugine obitelji & NELFA

The poster features a collage of photos showing children and families in various settings, including a child planting a tree, a family sitting on a bench, and children playing outdoors.

# CAPACITY BUILDING

Since 2016, NELFA organises i.e. **Erasmus+** projects (EU). The main aim is to strengthen NELFA towards its educational activities.

Our participants attend **trainings** (i.e. consulting skills, conflict management) and **job-shadowing** programs (at major LGBTIQ\* organisations). The recent project was “**Joining forces for the well-being of rainbow families**” in 2018/2019.

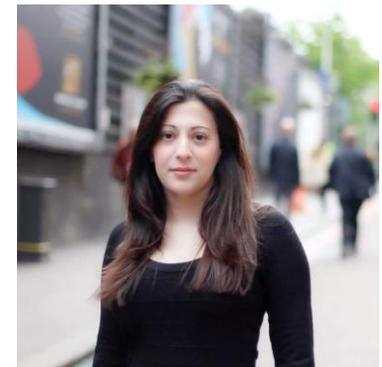
Partner organisation was the consultancy corporation „**In Dialogue**“ in Gouda.

Most recently, NELFA became partner in a new **REC project**, entitled „**Rainbow Shield**“. The main aim is to strengthen the legal support for LGBTIQ\* especially in Bulgaria.

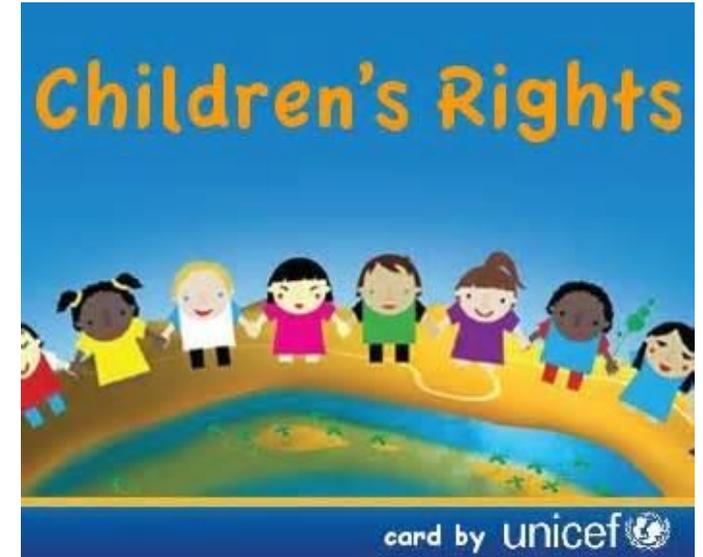
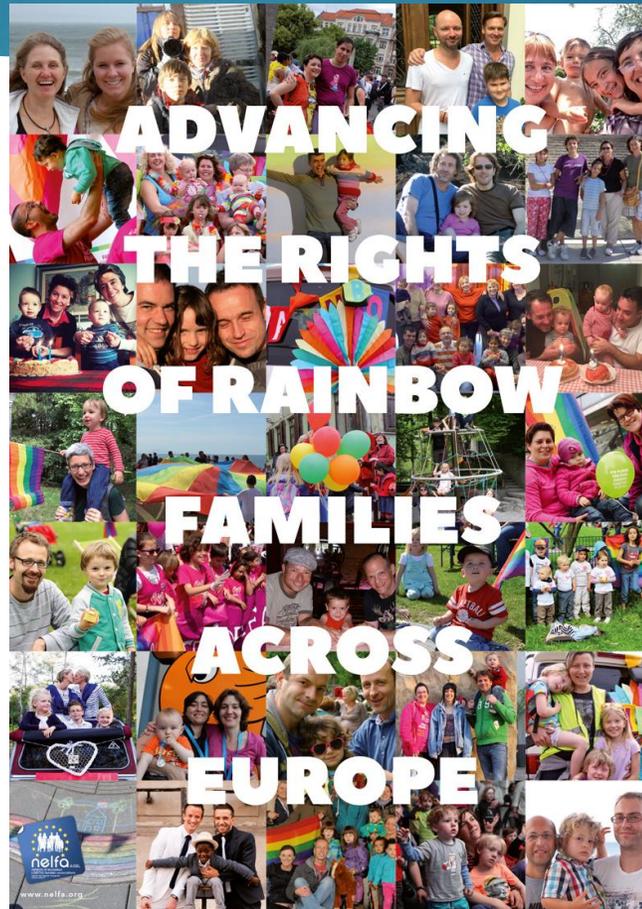


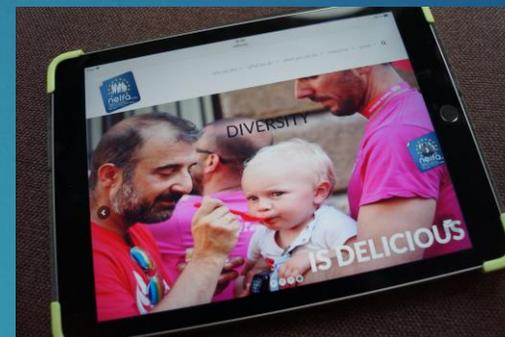
# LEGAL SUPPORT

- **first aid for rainbow families** in legal struggles, means: general advice, contacts
- Example: ILGA's **Coman-case blog** with NELFA expertise (scientific publication)
- **Strategic litigation**: cooperation with ILGA-Europe and other organisations – i.e. for court interventions at the ECHR in Strasbourg
- NELFA has just created a new **legal support group** with LGBTIQ\* family lawyers (Euro FLI network) and other legal experts (July 2019)



# NELFA's major aims...





## CURRENT STATUS OF RAINBOW FAMILIES IN EUROPE

Lesbian, gay, bisexual, trans\*, intersex, queer couples and parents (to-be)



## TRANSFORMATION: BIOLOGICAL FAMILY => FUNCTIONAL FAMILY



# Living between backlash and progress...



# Hostility

Many rainbow families in Europe still live in the hide. Open LGBTIQ\* parents (to-be) and children may suffer from open hatred and contempt.

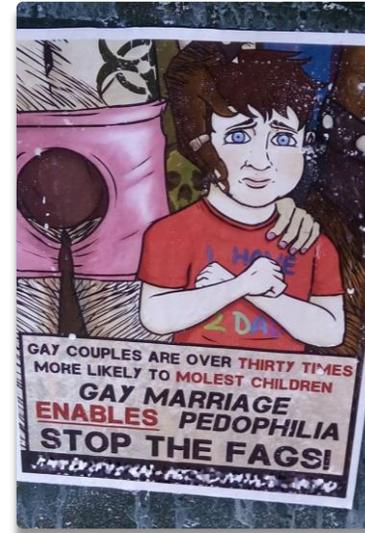
The (political) backlash is really noticeable: i.e. in Italy, Poland or Hungary – but even in the Netherlands, France and Spain.



# Hostility

Rainbow families and LGBTIQ\* rights – a „threat“ (Kaczynski)? Gay marriage the reason for earthquakes or a nuclear war (Robertson)?

Wrong accusations, untruths and rumours about LGBTIQ\* parenting are still „normal“ in the public discourse. These verbal attacks cause new violence... and stress.



Mit kreativem Straßen-Protest direkt vor dem Familienministerium machen wir aufmerksam auf den Frontalangriff gegen die natürliche Familie durch das „Regenbogenportal“ des Ministeriums.



# Discrimination

LGBTIQ\* parents and their children are often deprived of their rights. This means less benefits, less protection: **tax credits**, **inheritance**, **access to health care**.

Children can't get a common **family name**, sometimes they even remain stateless (no **passport**, no nationality)

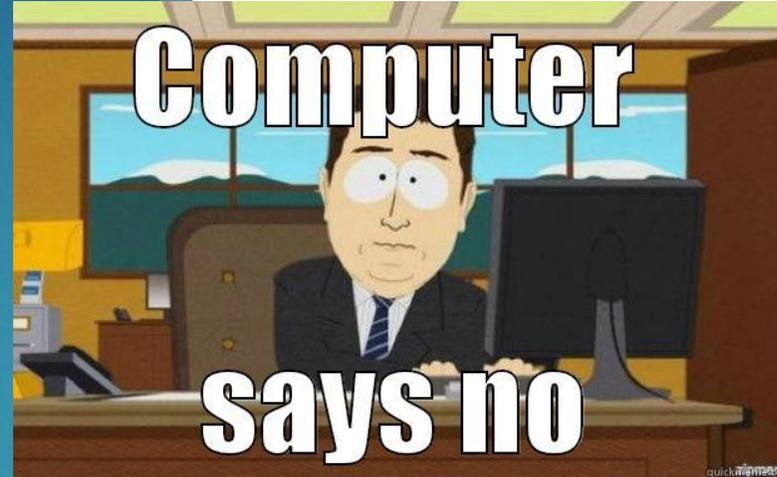
LGBTIQ\* parents face difficulties to travel or to sign docs for the school or other activities. They have problems to get **reduction** for zoo, theatre or public pools



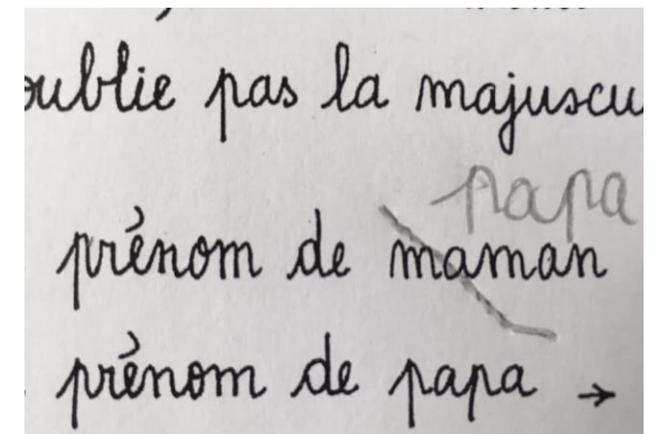
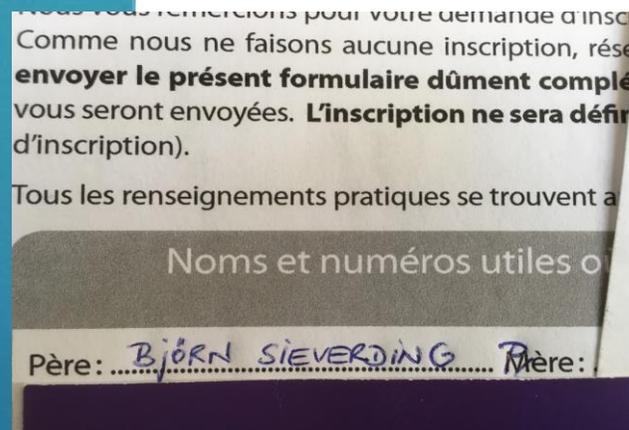
# Daily challenges

ignorance + inexperience

- **IT systems** and **administrative documents** sometimes don't recognise rainbow families: „Computer says NO!“
- Carers and teachers are often unaware of the rainbow family situation, **school curricula** are ignorant. This creates i.e. problems when children prepare their presents (Mother's/Father's Day)
- Rainbow families must accept **regular Coming Outs** and to disclose sensitive information



"I have two mummies. I know where the apostrophe goes."

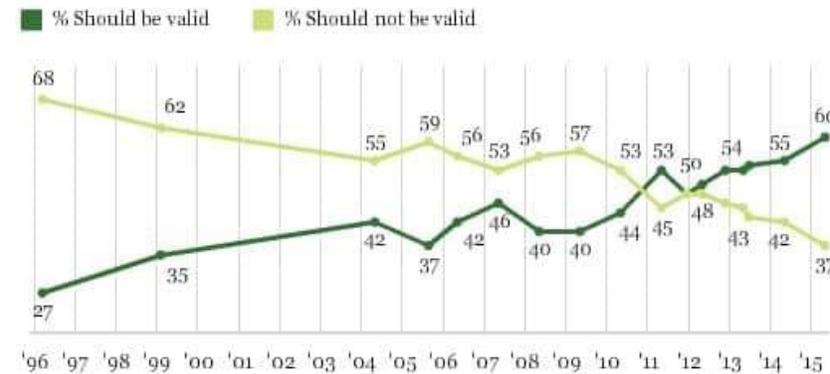


# Steady progress

- **Public opinion** shows generally an increasing support for LGBTIQ\* parenting within the last two decades. Courageous political decisions are often granted with positive reactions afterwards.
- **Scientific research** gives more and more backing: LGBTIQ\* parents are as good as others, children grow up as „normal“ as others

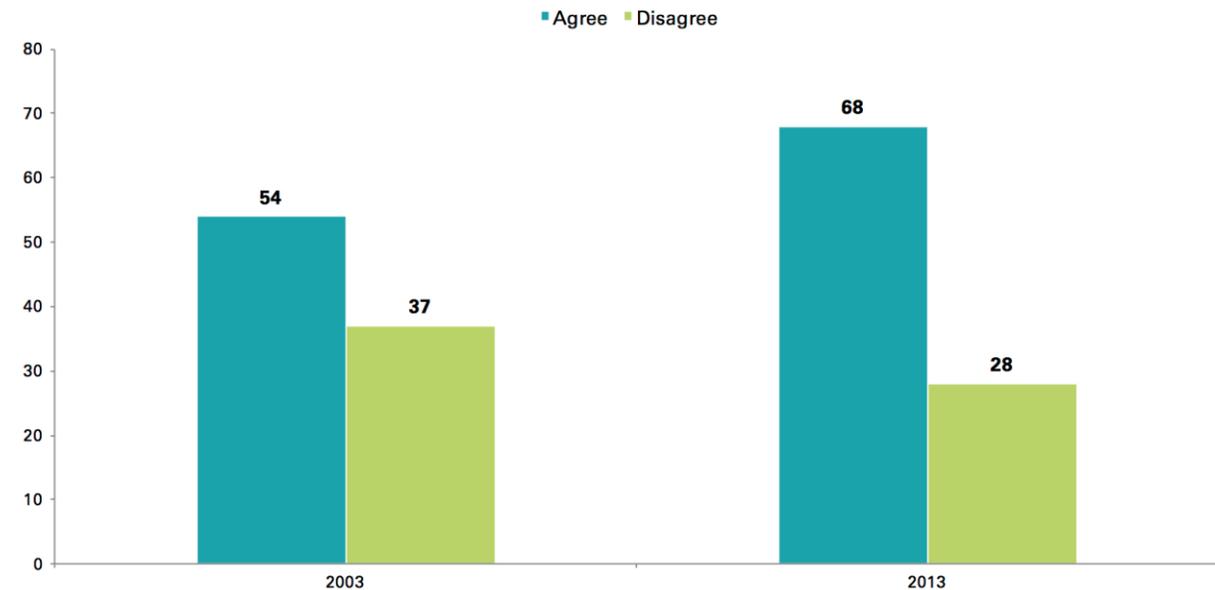


Do you think marriages between same-sex couples should or should not be recognized by the law as valid, with the same rights as traditional marriages?



## Evaluations of Gay and Lesbian People as Parents (2003-2013)

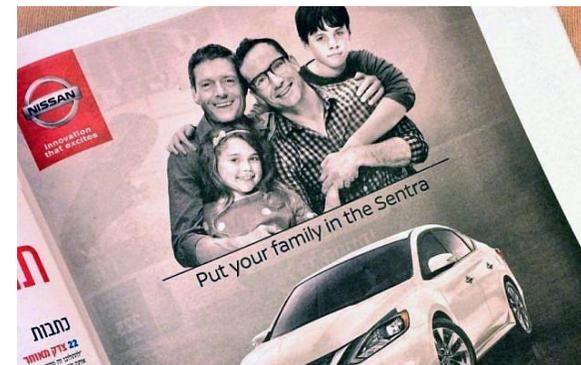
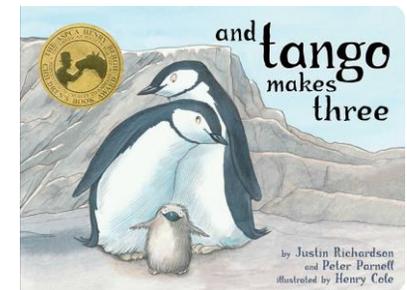
Gay and lesbian couples can be as good parents as heterosexual couples

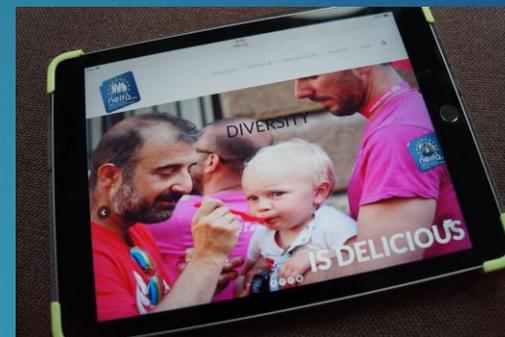
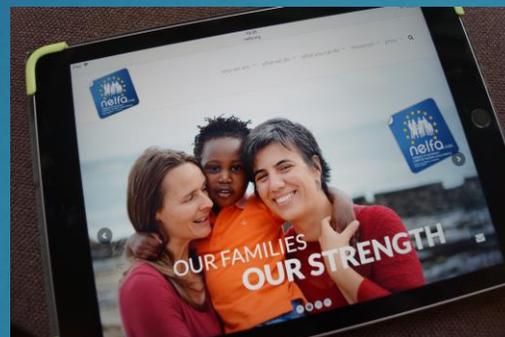


Sources: PRRI, LGBT Issues & Trends Survey, February 2014; Pew Research Center for the People & the Press, Pew Forum on Religion & Public Life, News Interest Index/Homosexuality Study, October 2003.

# Steady progress

- Nowadays, **media coverage** (uncensored) is mostly neutral or even friendly and supports the diversity of families. **Advertising** chooses more and more LGBTIQ\* parents with children.
- In the meantime, stories of rainbow families and thematic children's **books** „flood“ the market



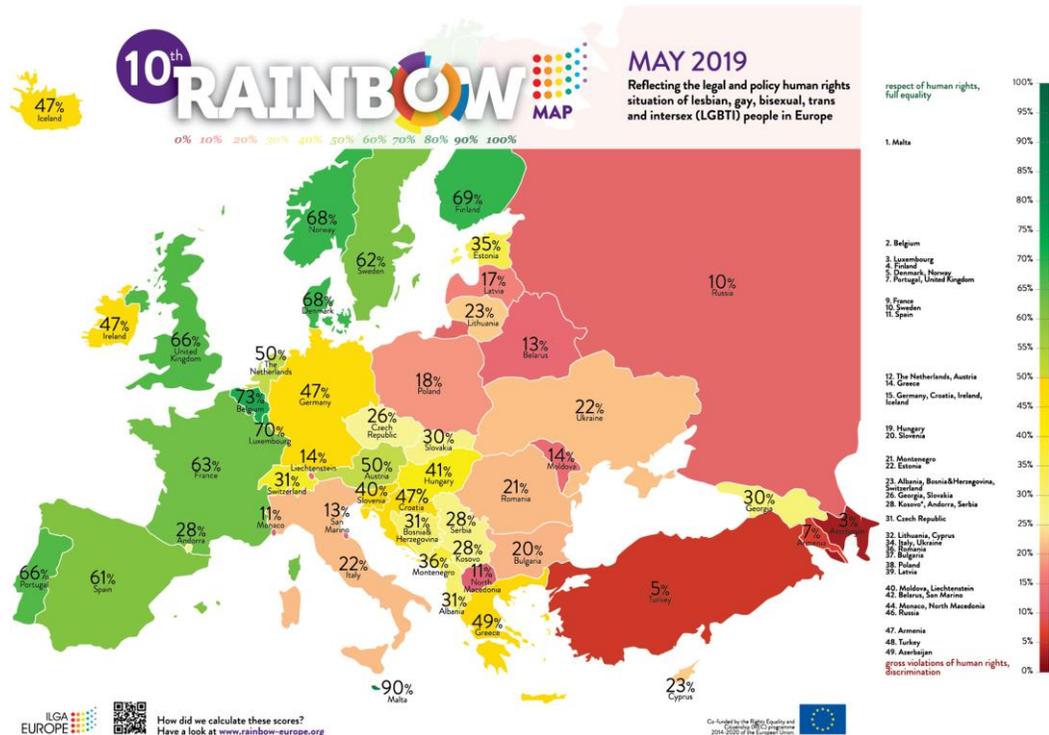


## LEGAL SITUATION OF RAINBOW FAMILIES IN EUROPE

Lesbian, gay, bisexual, trans\*, intersex, queer couples and parents (to-be)



# The rights: ILGA's Rainbow Europe 2019



**10<sup>th</sup> RAINBOW INDEX**  
**MAY 2019**  
 Reflecting the legal and policy human rights situation of lesbian, gay, bisexual, trans and intersex (LGBTI) people in Europe

Country	Equality & Non-Discrimination	Family	Hate Crime & Hate Speech	Legal Gender Recognition & Bodily Integrity	Civil Society Space	Asylum	Total score %
1. Malta	100%	100%	100%	100%	100%	100%	100%
2. Belgium	100%	100%	100%	100%	100%	100%	100%
3. Luxembourg	100%	100%	100%	100%	100%	100%	100%
4. Finland	100%	100%	100%	100%	100%	100%	100%
5. Denmark, Norway	100%	100%	100%	100%	100%	100%	100%
7. Portugal, United Kingdom	100%	100%	100%	100%	100%	100%	100%
9. France	100%	100%	100%	100%	100%	100%	100%
10. Sweden	100%	100%	100%	100%	100%	100%	100%
15. Spain	100%	100%	100%	100%	100%	100%	100%
12. The Netherlands, Austria	100%	100%	100%	100%	100%	100%	100%
14. Greece	100%	100%	100%	100%	100%	100%	100%
15. Germany, Croatia, Iceland, Ireland	100%	100%	100%	100%	100%	100%	100%
19. Hungary	100%	100%	100%	100%	100%	100%	100%
20. Slovenia	100%	100%	100%	100%	100%	100%	100%
21. Montenegro	100%	100%	100%	100%	100%	100%	100%
22. Estonia	100%	100%	100%	100%	100%	100%	100%
23. Albania, Bosnia & Herzegovina, Switzerland, Andorra, Serbia	100%	100%	100%	100%	100%	100%	100%
24. Czech Republic	100%	100%	100%	100%	100%	100%	100%
25. Lithuania, Cyprus	100%	100%	100%	100%	100%	100%	100%
26. Latvia, Estonia, Cyprus	100%	100%	100%	100%	100%	100%	100%
27. Italy	100%	100%	100%	100%	100%	100%	100%
28. Italy, Ukraine	100%	100%	100%	100%	100%	100%	100%
29. Bulgaria	100%	100%	100%	100%	100%	100%	100%
30. Poland	100%	100%	100%	100%	100%	100%	100%
31. Poland	100%	100%	100%	100%	100%	100%	100%
32. Latvia	100%	100%	100%	100%	100%	100%	100%
33. Latvia	100%	100%	100%	100%	100%	100%	100%
34. Moldova, Liechtenstein	100%	100%	100%	100%	100%	100%	100%
35. Belarus, San Marino	100%	100%	100%	100%	100%	100%	100%
36. Romania	100%	100%	100%	100%	100%	100%	100%
37. Romania	100%	100%	100%	100%	100%	100%	100%
38. Romania	100%	100%	100%	100%	100%	100%	100%
39. Romania	100%	100%	100%	100%	100%	100%	100%
40. Moldova, Liechtenstein	100%	100%	100%	100%	100%	100%	100%
41. Belarus, San Marino	100%	100%	100%	100%	100%	100%	100%
42. Romania	100%	100%	100%	100%	100%	100%	100%
43. Romania	100%	100%	100%	100%	100%	100%	100%
44. Romania, North Macedonia	100%	100%	100%	100%	100%	100%	100%
45. Romania	100%	100%	100%	100%	100%	100%	100%
46. Romania	100%	100%	100%	100%	100%	100%	100%
47. Romania	100%	100%	100%	100%	100%	100%	100%
48. Turkey	100%	100%	100%	100%	100%	100%	100%
49. Azerbaijan	100%	100%	100%	100%	100%	100%	100%
gross violations of human rights, discrimination	100%	100%	100%	100%	100%	100%	100%

Legend:  
 • national / federal application  
 ⊗ applied in some regions only

www.rainbow-europe.org

\*under UNSCR 1244/99

# LGBTIQ\* family rights

**Registered Partnership:** 24 European countries

(**20 EU**) recently: SAN MARINO (2018), Montenegro?

**Marriage Equality:** 16 European countries (**14 EU**)

THE NETHERLANDS, BELGIUM, SPAIN, NORWAY, SWEDEN, PORTUGAL, ICELAND, DENMARK, FRANCE, UK (Northern Ireland 2020), LUXEMBOURG, IRELAND, FINLAND, GERMANY, MALTA, AUSTRIA

**Joint Adoption:** 17 European countries (**14 EU**)

COUNTRIES above + ANDORRA

**Second-Parent Adoption:** 19 (21) countries (**14 EU**)

i.e. SWITZERLAND, SLOVENIA, SAN MARINO, ITALY, ESTONIA

**Co-Parent Recognition:** 11 countries

(**10 EU**) most recently: FINLAND (soon Ireland?)

**MAR:** 14 (**12 EU**) [couples] /26 (**18 EU**) [singles]

**Trans parenthood:** BELGIUM, MALTA, SLOVENIA, SWEDEN

Marriage equality

Registered partnership  
(similar rights to marriage)

Registered partnership (limited rights)

Cohabitation

No constitutional limitation on  
marriage

Joint adoption

Second-parent adoption

Automatic co-parent recognition

Medically assisted insemination  
(couples)

Medically assisted insemination  
(singles)

Recognition of trans parenthood

FAMILY



# CONCLUSIONS

A patchwork situation in Europe

A lot of achievements within the last decades, with more speed in Western Europe: cultural, historical, social reasons, progressive governments, general acceptance, strategic litigation...

**Hardly any recognition of rainbow families** in Lithuania, Poland, Slovakia, Romania/ Latvia and Bulgaria (EU) [0 % in Turkey, Serbia, Azerbaijan]

**Best conditions”** in Malta, Sweden, Belgium, The Netherlands, Spain, Portugal and Denmark

Deficits in the MAP: Marriage equality was highlighted (+joint adoption). Not yet included: Foster care, surrogacy, multi-parenting...



# Freedom of movement?

EU 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**

Source: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33152>

**Family members?** Gender-neutral...

This covers the **spouse**, a **partner** in a registered partnership with an EU citizen and **direct descendants** under the age of 21 ... but the **RAINBOW FAMILIES**.

In June 2018: a clarification through the **Coman case**.



# NELFA case collection...

**Rejected transcription of a common birth certificate (PASSPORT?):** UK-IRELAND, UK-GREECE, UK-FRANCE, UK-POLAND, SPAIN-GREECE, SPAIN-ITALY, NETHERLANDS-FRANCE, DENMARK-BULGARIA... => loss of legal familial ties (even forced by authorities [France] "sign, or you won't get a new certificate) or courts [Bulgaria] – "against the public order to have lesbian moms")

**(CONVERTED) MARRIAGES:** UK-FRANCE, FINLAND-FRANCE => incompatible regulations (marriage can't be just a conversion of a civil union), then a positive decision in hurdles and couples (with children) remain in legal limbo: an adoption isn't recognised when it was established before the conversion date of the marriage (...)

In **AUSTRIA**, same-sex marriages that were contracted before 2019 abroad (i.e. Portugal) are not accepted, couples have to remarry.

Officials in **HUNGARY** didn't accept a German same-sex marriage. At the same time, they denied access to a civil union because the couple concerned could not proof that they are not yet in a registered relationship (...)



# Francesca and Alexandra

Eleni: Greek, Kate: British

Residence: Spain (Barcelona)

2014: Birth of Francesca via MAR in Spain by Eleni

2016: Birth of Alexandra via MAR in Spain by Eleni

Spain: birth certificates recognise both mothers. To obtain Spanish citizenship, a child with foreign parents needs to be registered abroad.

UK and Greece didn't accept the transcription of Francesca's birth certificate (UK: fertility treatment in Spain and not married at this time, Greece: same-sex couples not recognised, „**against the moral code**“). Francesca didn't receive a passport. After three months, Francesca was diagnosed with cancer.

The responsible person for the transcription turned a blind eye and made a partial registration of the birth.

**The case was discussed by the Committee on Petitions in July 2018 and April 2019. Currently, Eleni's family tries to find advice for a complaint in Greece!**



# What's next?

- CoE and EU should continue to claim on the Member States to respect the fundamental rights of all citizens (regardless of their sexual orientation and/or gender identity) = **EQUALITY**
- Clarification of the wording in EU-Directive 2004/38/EC (i.e. direct descendants). Are familial ties of rainbow families included?
- **EU: The mutual recognition of the CONTENT of civil documents (VERY IMPORTANT!!)**
- Endeavours to strengthen children's rights, (their opinions taken into account...)
- **FOR RAINBOW FAMILIES: LITIGATION...** (ILGA-blog on Coman, court interventions, legal group, Rainbow Shield, Family Map)



# 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 38 ORGANISATIONS IN 31 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](http://www.nelfa.org). LEAFLET: [HTTP://BIT.LY/2RjW0Us](http://bit.ly/2RjW0Us). NEWSLETTER: [HTTP://BIT.LY/2FCN5C5](http://bit.ly/2FCN5C5).

## MAKE A DONATION

SUPPORT NELFA AND LGBTIQ\* FAMILIES IN EUROPE BY MAKING A DONATION.  
**BANK:** CRELAN, BELGIUM **IBAN:** BE18 8601 1595 2465 **BIC:** NICABEBB

