

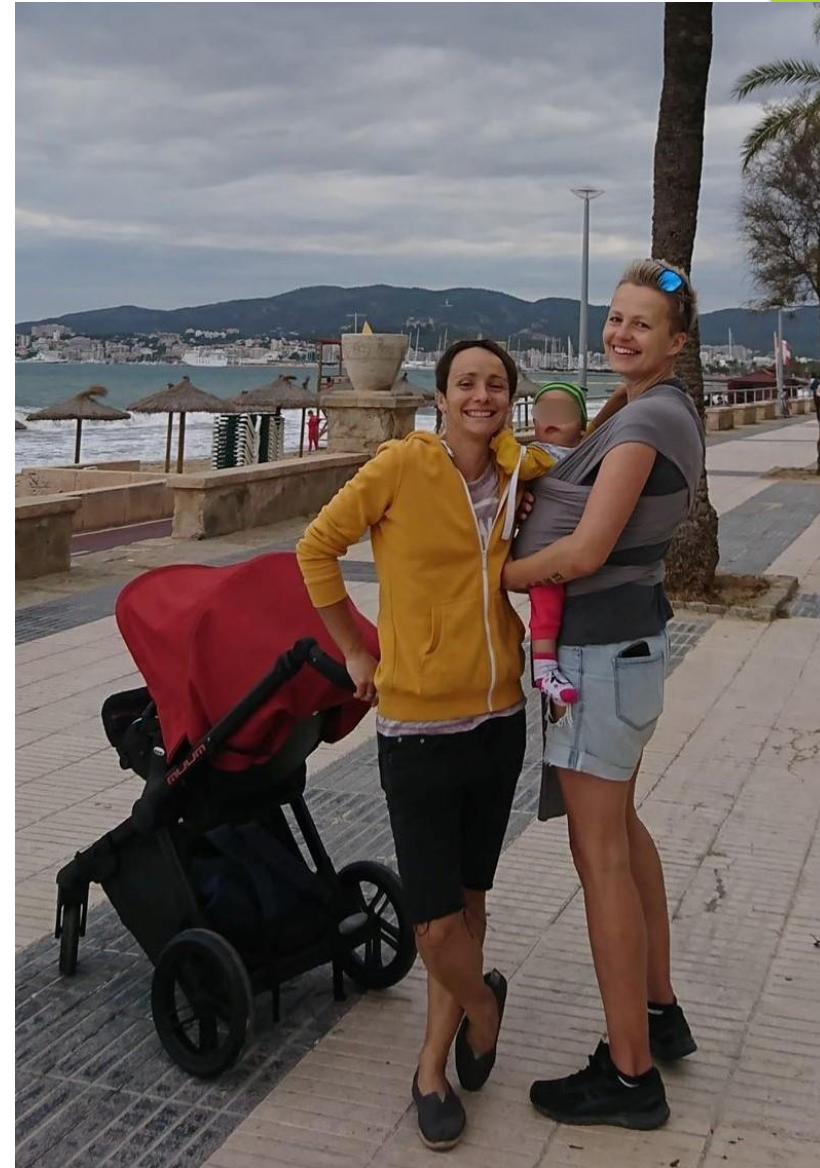
Azara (example one)

Baby Azara was born in March 2019 in Palma de Mallorca, Spain. Her mothers are Alena (Polish/Belorussian) and Joanna (Polish). Both women (married since 2018 and living in Spain since 2015) are on the Spanish birth certificate (madre A & B).

The couple wanted to apply for a Polish passport and ID when Azara was 3 weeks old. In Poland, it is mandatory to get at first the transcription of the birth certificate, and only then, one can apply for an ID or passport. However, the registry office refused the transcription because of the two mothers in the certificate. The couple submitted an appeal to a 2nd instance institution (provincial governor) and after 10 months, they are still waiting...

So far, Azara cannot leave Spain because she is still stateless. The situation got worse, because the Supreme Administrative Court (SAC) decided in early December 2019 that it is not possible to register birth certificates where the child has two same-sex parents – due to Polish public order provisions (read [more](#)). In the justification however, the Court says that children of Polish citizens should receive a passport and PESEL (social security number i.e. for public health care and education) but it is not clear how this should be done, and it does not have any legal authority.

The women's lawyer is trying to press on the local authorities to issue the documents without the mandatory transcription and if that does not bring any results they will then have to go to court. In addition, the child cannot obtain a Spanish citizenship as this is only possible after a year of having Spanish foreigner identification number which is only issued to holders of foreign passports (which the child does not have as it is stateless).



Lauge (example two)

4-year old Lauge born in late 2015 in Denmark. His mothers are **Janet** (Danish) and her former wife (Bulgarian). The Danish birth certificate states both mothers as legal parents.

In January 2017, Lauges mothers got divorced, but continued to take care of their little boy. However, in the meantime, the Bulgarian (and biological) mother tried to get a Bulgarian passport for the child. At first, the Municipality of Pazardzhik refused to do it, because the country doesn't recognise same-sex parenthood and couldn't transcribe the Danish birth certificate. Finally, after a complaint, the competent Administrative Court ruled that a new birth certificate will be issued with a blank case "father". The Bulgarian mother finally received the passport for the boy and moved with him – without permission and knowledge of the second mother – to her home country. The Danish mum tried to do everything to see her son again.

For the last time, she could meet him in Bulgaria in December 2017. After several court cases there was a final decision in May 2018 (in Sofia): Although the lawyer of the Bulgarian woman admitted child abduction, the judges ruled that the boy remains in Bulgaria. It would contradict the main principles of Bulgarian law and the "public order" to grant the Danish non-biological mum with parenthood rights. She can't even visit her son anymore, but – as legal mother in Denmark – she needs to pay alimony regularly.

See Janet's individual [ALL OUT petition](#).



Simon and Tom (example three)

The boys (now eight and seven years old) were adopted in 2013. Their parents are **Pierre** (French) and **John** (Scottish) and at that time, they were civil partnered under UK law.

Pierre did all the paperwork for Simon and Tom to be recognised as adopted in his home country and to get French citizenship for them. But the application was refused, because in France kids can only be adopted by married couples. They proceeded to change the civil partnership into marriage, but France didn't accept this neither.

Couples who registered a civil partnership in England and Wales have been able to convert this to marriage since late 2014, however, French laws require a new wedding ceremony and witnessed during this ceremony, which is not the case during a conversion. One gay couple was even advised by the French authorities to get divorced and to remarry again. But UK requires clear reasons for a divorce and, in addition, a separation period. In the meantime, the French-Scottish couple found help of families with similar struggles (Facebook group with 45 members).

Finally, the authorities accepted to transcribe the UK marriage certificates to the French equivalent. They received a "livret de famille", but the boys' adoption is still not recognised. The family wants to start a new application.



Francesca (example four)

5-year-old Francesca was born in 2014 (through assisted insemination in Spain). Her mothers are **Eleni** (Greek) and **Kate** (British). Meanwhile, Francesca has a sister (born in 2017). Both birth certificates identify two mothers.

To obtain Spanish citizenship (and a passport) for Francesca, the couple needed a British and/or Greek passport first. However, UK didn't recognise the co-mother (because of the IVF treatment in Spain and not in UK and the couple wasn't married at that time). Greece still don't accept two women on a birth certificate. At the end, a civil servant in Greece transcribed the Spanish document (only with the biological mother, even the certificate already stated both mothers...). But the family couldn't travel for a certain time because of the lack of the passport. Francesca was diagnosed with cancer and couldn't travel abroad. Luckily, the family found a good treatment in Spain. The second daughter Alexandra obtained a British passport (after the parents' marriage. So far, there has been no intent to transcribe the birth certificate in Greece.

Latest update: both children applied for and were granted Spanish nationality. Still the problem remains: in the UK, Francesca only has one mother. In Greece, Alexandra hasn't had her birth certificate registered yet. Greece doesn't recognise the British woman as a mother for both children. The **case** was already topic in the EP's Committee on Petitions (twice), but without any sustainable outcome.



Lilly & Darina (example five)

In a final judgment in mid-December 2019, the Supreme Administrative Court in Sofia (Bulgaria) refused to recognise the marriage of Lilly and Darina concluded in the UK. The couple has been together for 10 years and has been trying to register their marriage in Bulgaria as well, which is the obligation of every Bulgarian citizen who has married their partner abroad, but they were denied that. Back in 2017, Lilly and Darina filed a lawsuit in the Sofia City Administrative Court against the refusal of Lyulin District to register their marriage. The judgment was appealed by Deystvie. See the [press release](#).

The judgment is surprising, because the European Court of Justice clarified in the [Coman case](#) (June 2018), that same-sex marriages must be recognised.

In another case of a French-Australian lesbian couple, the Supreme Court finally decided in favour of a recognition in Bulgaria (read [more](#)).

Both couples took part in an All Out [campaign](#) in 2018.



Czeslaw & Willem (example six)

Czeslaw (Polish/Czech) and Willem (Dutch) are together almost 12 years and got married in May 2014 in Delft (The Netherlands). They live in the Vinohrady district of Prague.

The Netherlands were the world's first country with marriage equality in 2001. In the Czech Republic, civil unions are legal since 2006. The couple's application to get their Dutch marriage recognised was refused, but the office concerned offered to downgrade it to a registered partnership.

In the Czech Republic, there are differences between marriage and registered partnership in 105 legal provisions. Czeslaw and Willem had for example to struggle with buying their apartment (due to a lack of common property rights).

The couple sued the State but lost on two levels (final decision in May 2018). They decided not to appeal to the Constitutional Court because they were afraid of influencing the current legal efforts negatively...

As chairman of Prague Pride, Czeslaw is one of the campaign leaders for marriage equality in the Czech Republic. A vote on the bill (incl. adoption rights for LGBTIQ* people) was expected to take place in January 2019, but it was moved to March and postponed since then.

