



Rainbow Families in Europe 2020

EVALUATION AND SUMMARY
OF RECENT MAJOR STUDIES

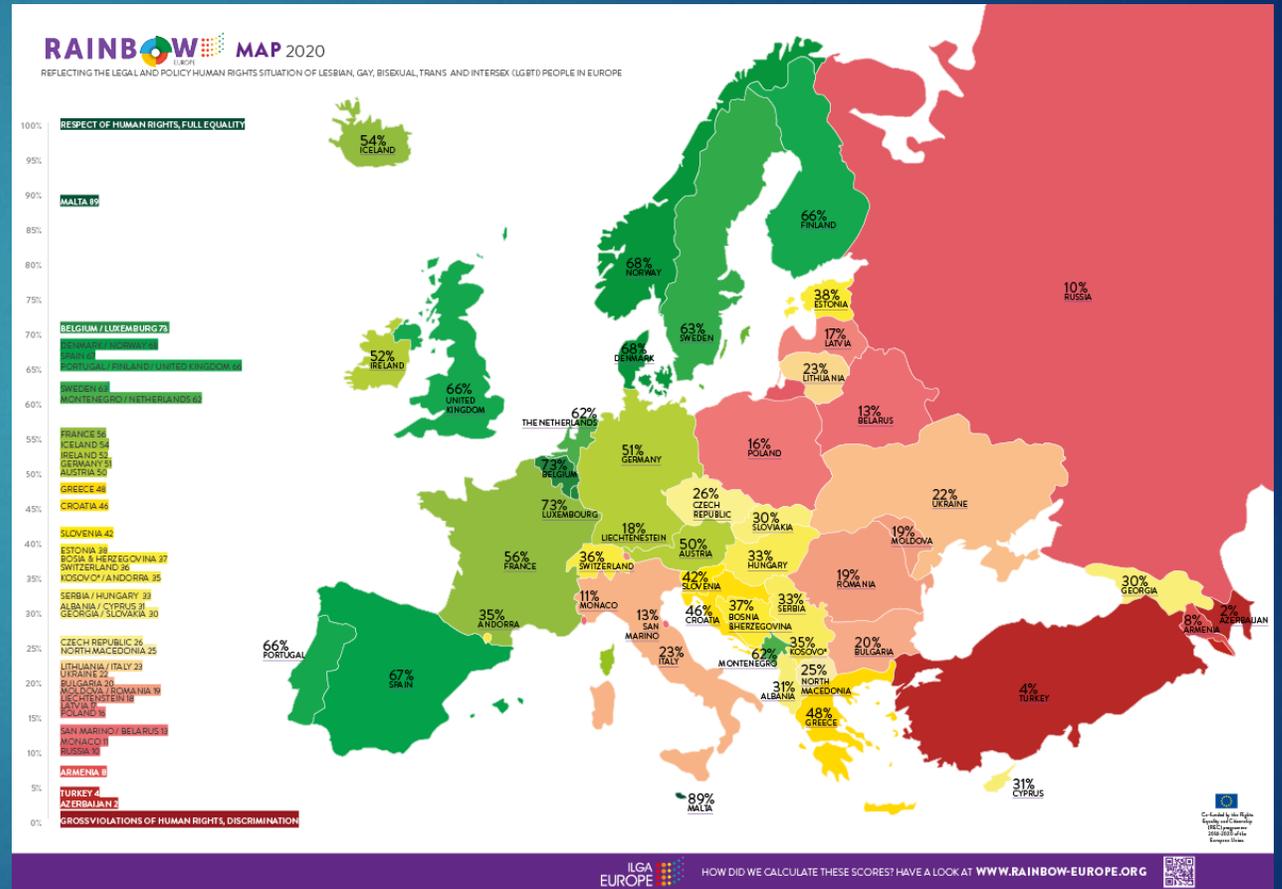
RAINBOW EUROPE
MAP & INDEX 2020
ILGA-EUROPE

PART ONE

ILGA-Europe's Rainbow Europe 2020

On 14th of May 2020, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA-Europe - published its 12th **Rainbow Europe package**. It's an annual benchmarking tool, which ranks 49 countries in Europe on their LGBTI equality laws and policies.

One category is “**family**” with eleven criteria – from “marriage equality” to “trans parenthood”. **Belgium and Malta achieve 100 %**. But there are seven countries with 0 %: Slovakia, Romania, Lithuania, Poland, Azerbaijan, Turkey and Serbia. Here you find **more details**.



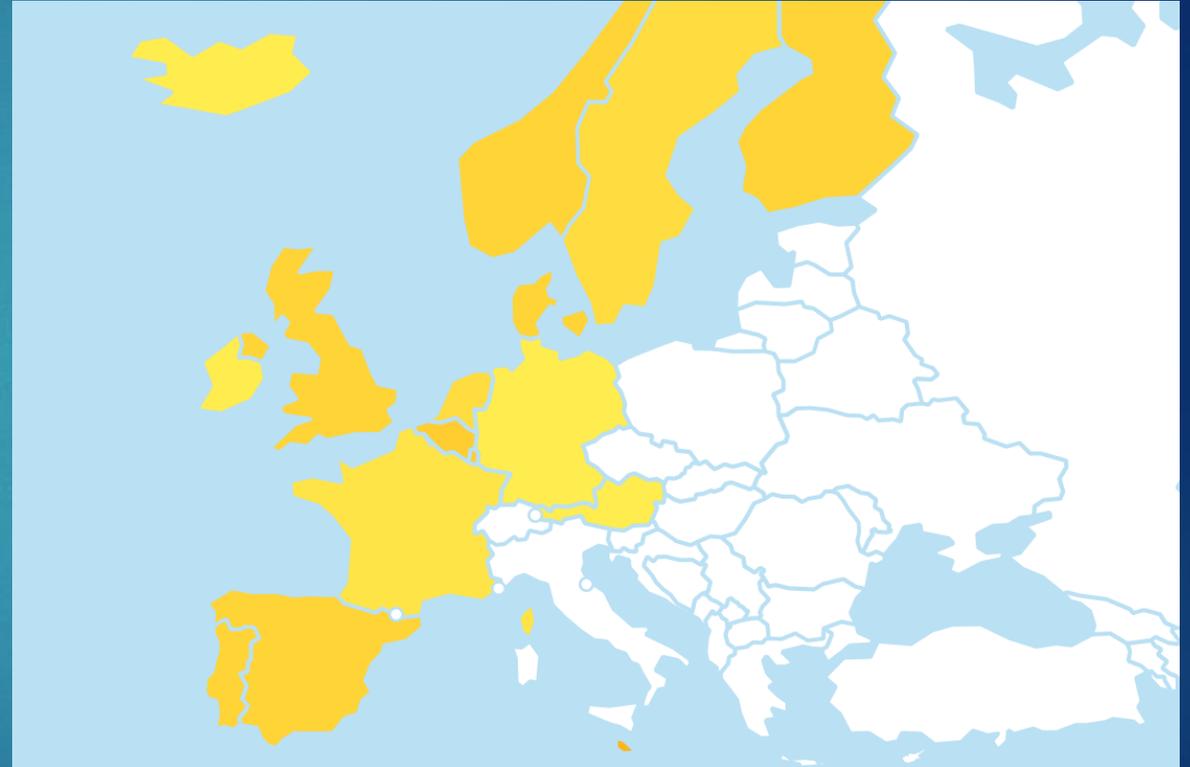
ILGA-Europe's Rainbow Europe 2020

MARRIAGE EQUALITY

In the meantime, **16 countries in Europe** enable same-sex marriages, 13 of them are members of the European Union.

Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, Spain, Sweden, The Netherlands, UK.

Northern Ireland introduced marriage equality in early 2020. Andorra is expected to follow in summer 2020, Switzerland might be ready in 2021...

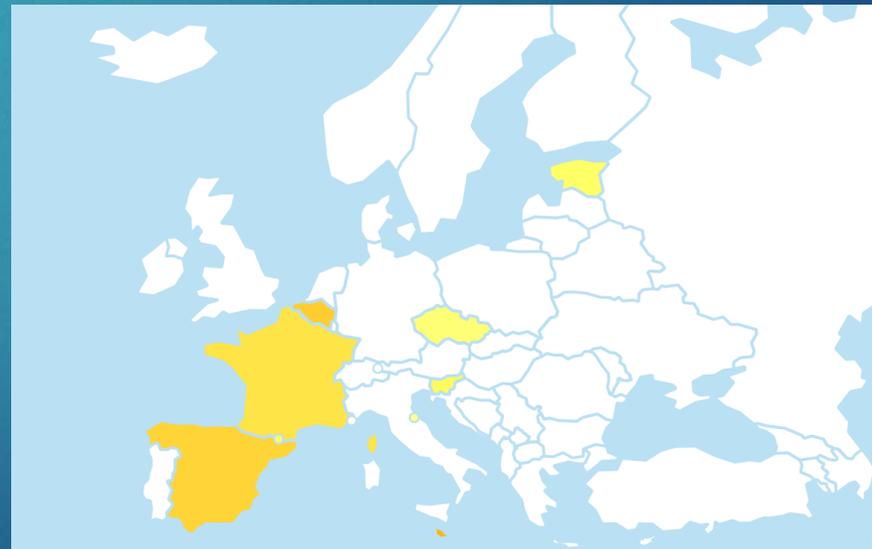
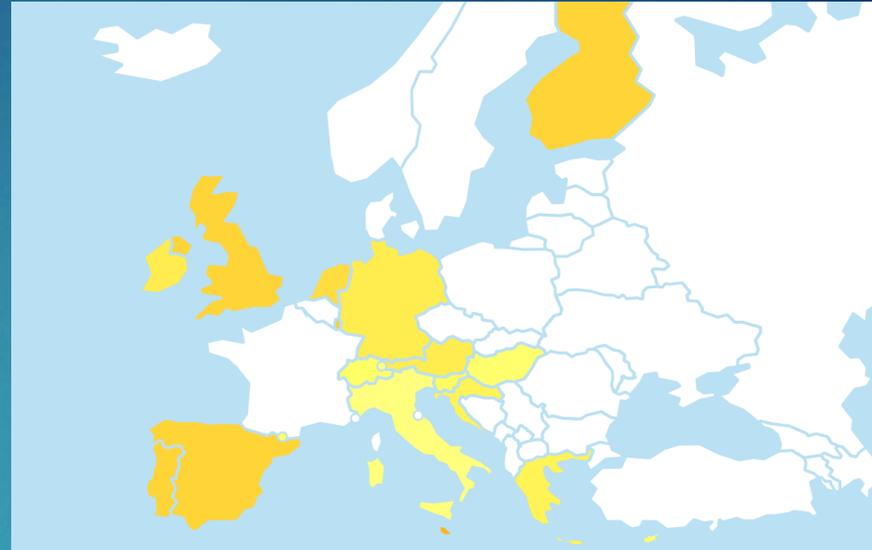


ILGA-Europe's Rainbow Europe 2020

REGISTERED PARTNERSHIPS

24 (25) countries in Europe have various forms of registered partnerships. ILGA-Europe counts 19 countries where civil unions have similar rights to marriage, 9 countries have limited rights. Spain, Andorra, Slovenia, Malta are listed with both possibilities. Monaco isn't mentioned, but they have introduced (same-sex) civil unions in late 2019.

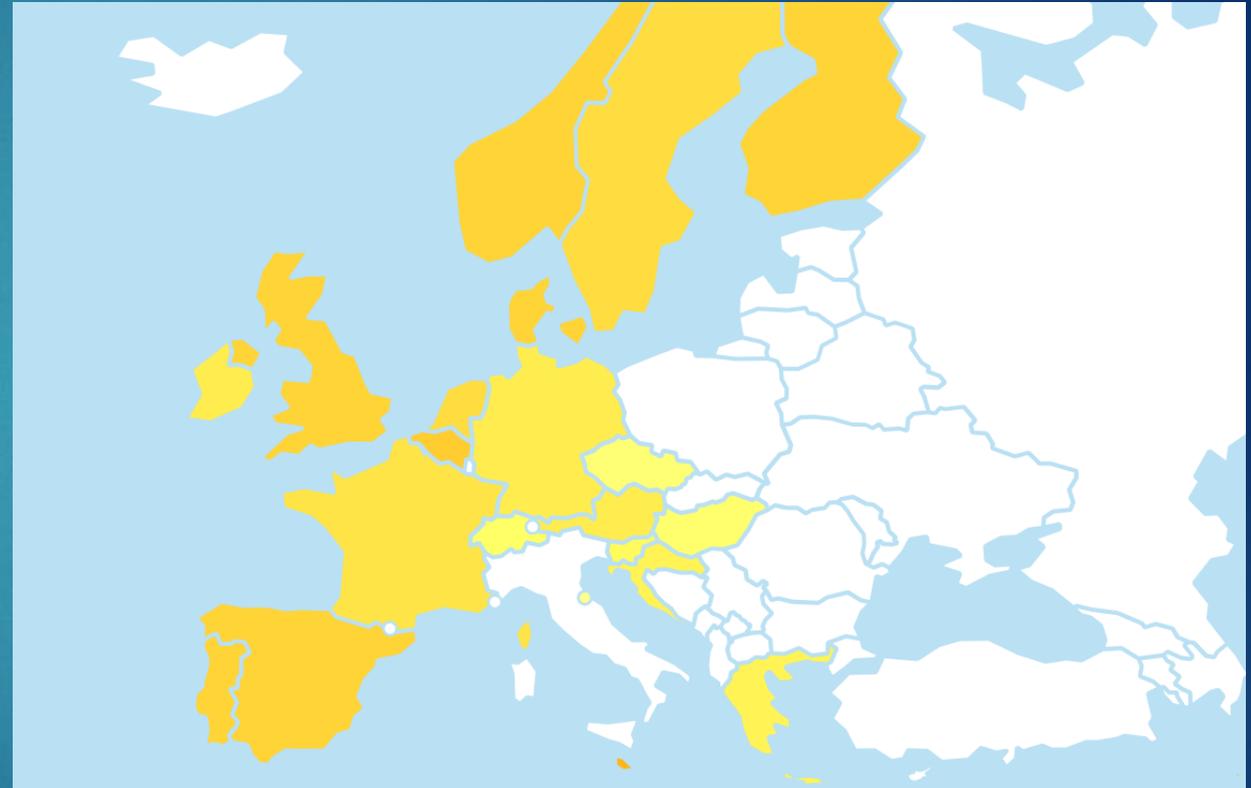
By the way: The term „similar rights“ is difficult – because countries like Italy, Greece, Cyprus, Hungary etc. don't provide adoption possibilities...



ILGA-Europe's Rainbow Europe 2020

COHABITATION

Cohabitation covers when same-sex couples are included in legislation or legal measures on cohabitation. This is actually the case **in 21 European countries**. All of them offer also (at least) registered partnerships (or marriage).

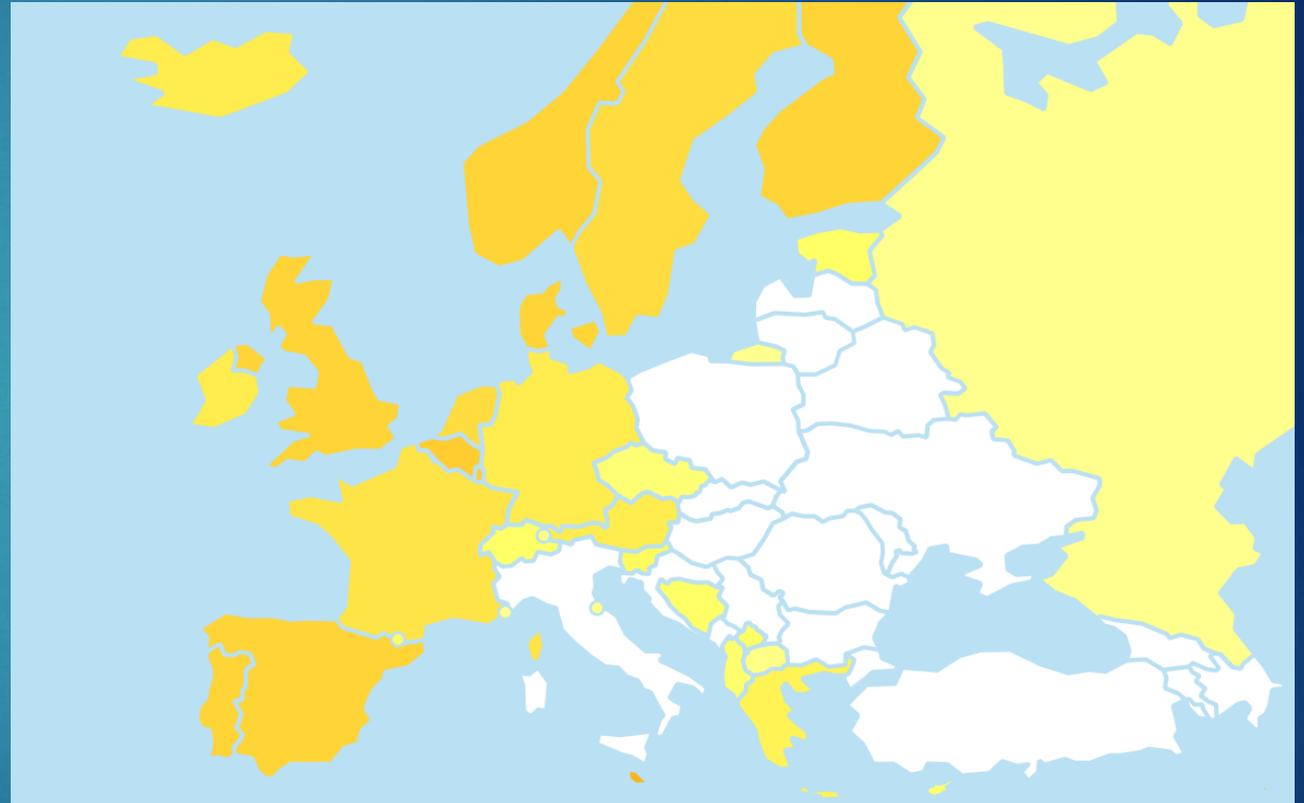


ILGA-Europe's Rainbow Europe 2020

NO CONSTITUTIONAL LIMITATION ON MARRIAGE

In this category it might be more interesting to name those countries who have limitations (for example marriage = only union between man and woman).

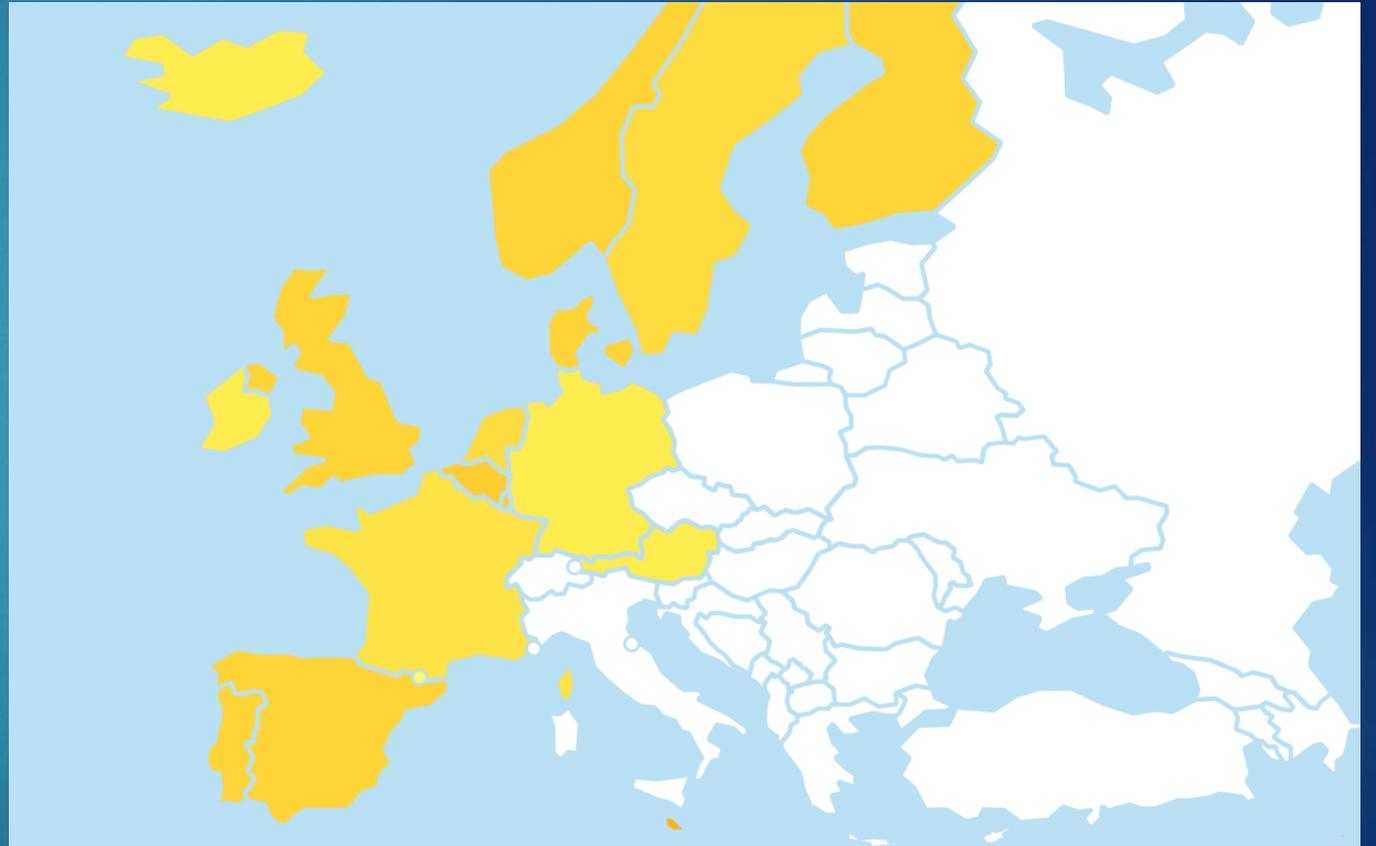
Such **limitations exist in 18 European countries**: Belarus, Ukraine, Moldova, Armenia, Azerbaijan, Georgia, Turkey, Serbia, Montenegro and in various EU Member States: Bulgaria, Romania, Latvia, Lithuania, Poland, Slovakia, Hungary, Croatia and Italy. In March 2020, Russia announced such a ban.



ILGA-Europe's Rainbow Europe 2020

JOINT ADOPTION

Same-sex partners can legally apply for **joint adoption in 17 European countries**. This includes all 16 states where marriage equality has been implemented. Marriage is often a mandatory condition for an application. The only country that offers joint adoption rights without marriage equality (so far) is Andorra.

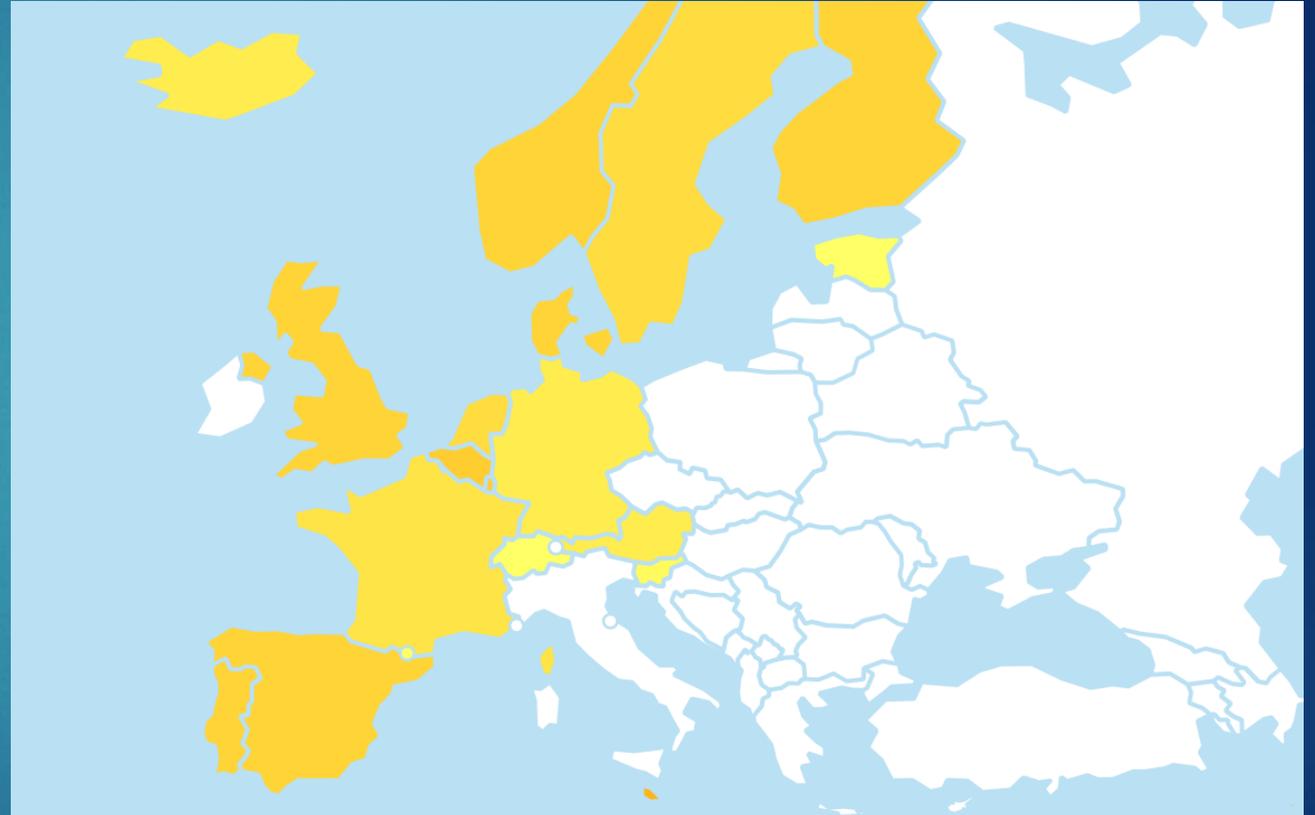


ILGA-Europe's Rainbow Europe 2020

SECOND-PARENT ADOPTION

Same-sex partners can adopt the biological or adoptive child(ren) **in 19 (20) European countries**. New in ILGA-Europe's Rainbow Map 2020 is **Estonia**.

Not mentioned here is **Croatia**, where the Life Partnership Act allows a certain form of second-parent adoption. This mechanism is entitled „partner-guardianship“. In **Italy**, second-parent adoption is available for same-sex partners through court procedures. In **Ireland**, social partners can obtain guardianship rights two years after birth.



ILGA-Europe's Rainbow Europe 2020

AUTOMATIC CO-PARENT RECOGNITION

This covers when children born to (LGBTIQ*) couples are not facing any barriers in order to be recognised legally from birth to their parents. "Automatic" means i.e. by marital presumption or by (prenatal) recognition in ART procedures (i.e. IVF treatment in a clinic). Currently, ILGA-Europe lists **10 countries**.

In **Ireland**, new legal possibilities for lesbian couples came into force in May 2020. According to NELFA, we have to add **Sweden, Finland and Slovenia**. And there are (controversial) discussions in **France, Switzerland and Germany**.

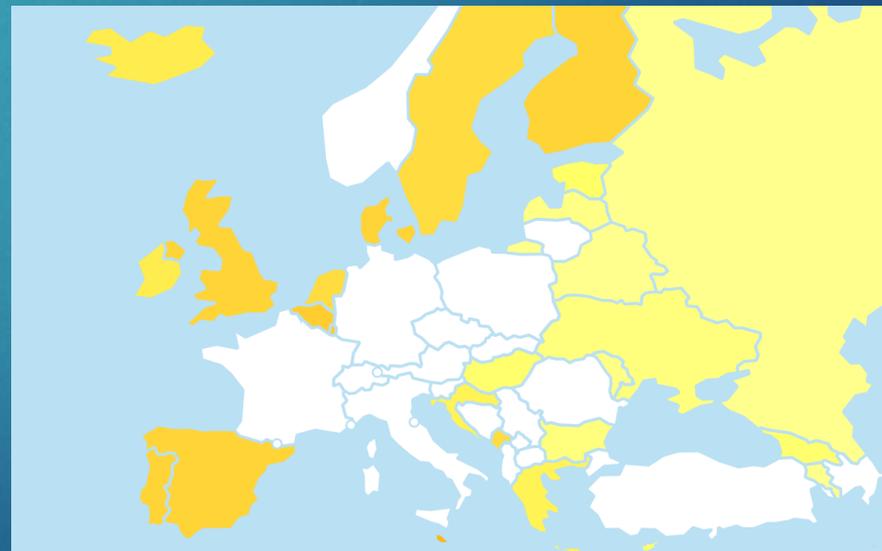


ILGA-Europe's Rainbow Europe 2020

MEDICALLY ASSISTED INSEMINATION FOR SINGLES AND/OR COUPLES

In **14 European countries**, LGBTIQ* **couples** don't face any legal barriers in order to get fertility treatment. In **26 (27) countries**, **singles** have access to assisted reproductive techniques. New (since May 2020) is **Norway**.

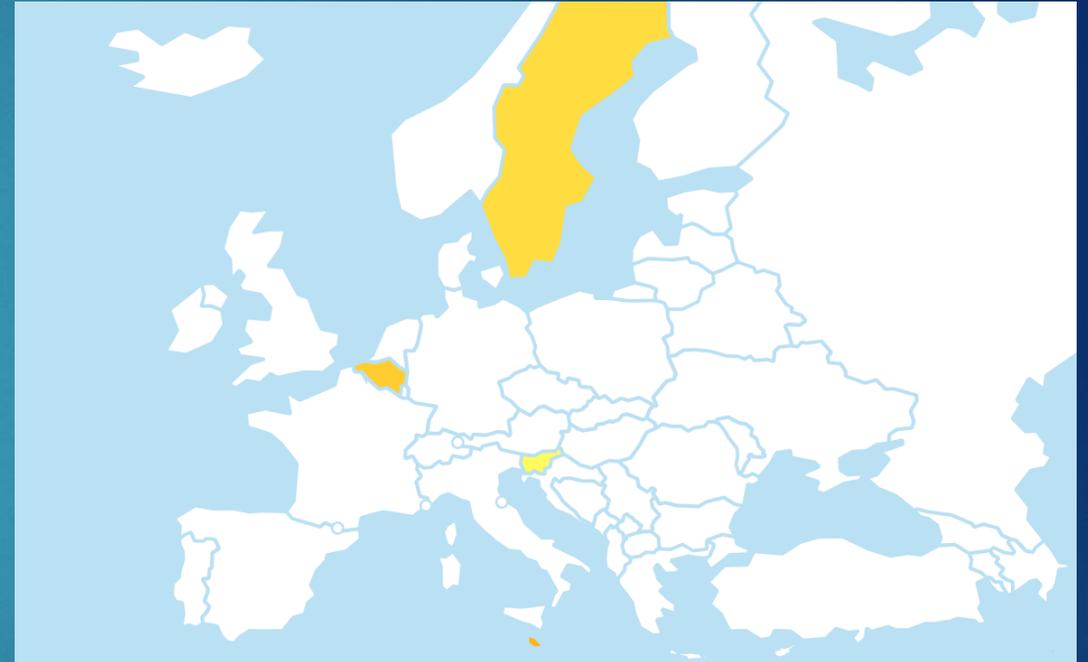
Poland (2015) and Serbia (2019) banned fertility treatment for single women, in the case of Serbia, the Health Minister imposed a ban against anyone with a "**history of homosexual relations during the last five years**" from donating "reproductive cells. In **France**, the access to ART for single women and lesbian couples will come – but the procedure was recently postponed due to the coronacrisis.



ILGA-Europe's Rainbow Europe 2020

TRANS PARENTHOOD

This covers when parent's legal gender identity is recognised in the documentation of kinship (e.g. birth certificate respects name, gender marker, gendered denomination "mother"/ "father" (where applicable) according to the parent's recognised gender identity). And: when regulations regarding recognition of parenthood is aligned with available gender options where more than 2 gender markers are available, e.g. "mother" and "father" are not the only available options; all parents are recorded as "parent" etc. **Only four countries** allow trans parenthood: **Sweden, Malta, Belgium and Slovenia.**



TRANS RIGHTS EUROPE
& CENTRAL ASIA
INDEX & MAPS 2020
TGEU

PART TWO

TGEU's Trans Rights Index & Maps 2020

On 13th of May 2020, Transgender Europe published its new overview. It provides detailed information on the legal situation of all 47 Council of Europe Member States and five Central Asian countries. The Index covers a total of 30 indicators in six legal categories: legal gender recognition, asylum, bias-motivated speech and violence, non-discrimination, health, and family.

We learned already that trans parenthood is only available in four countries: Belgium, Malta, Slovenia and Sweden. And **only Malta has regulations for the recognition of non-binary parents.**



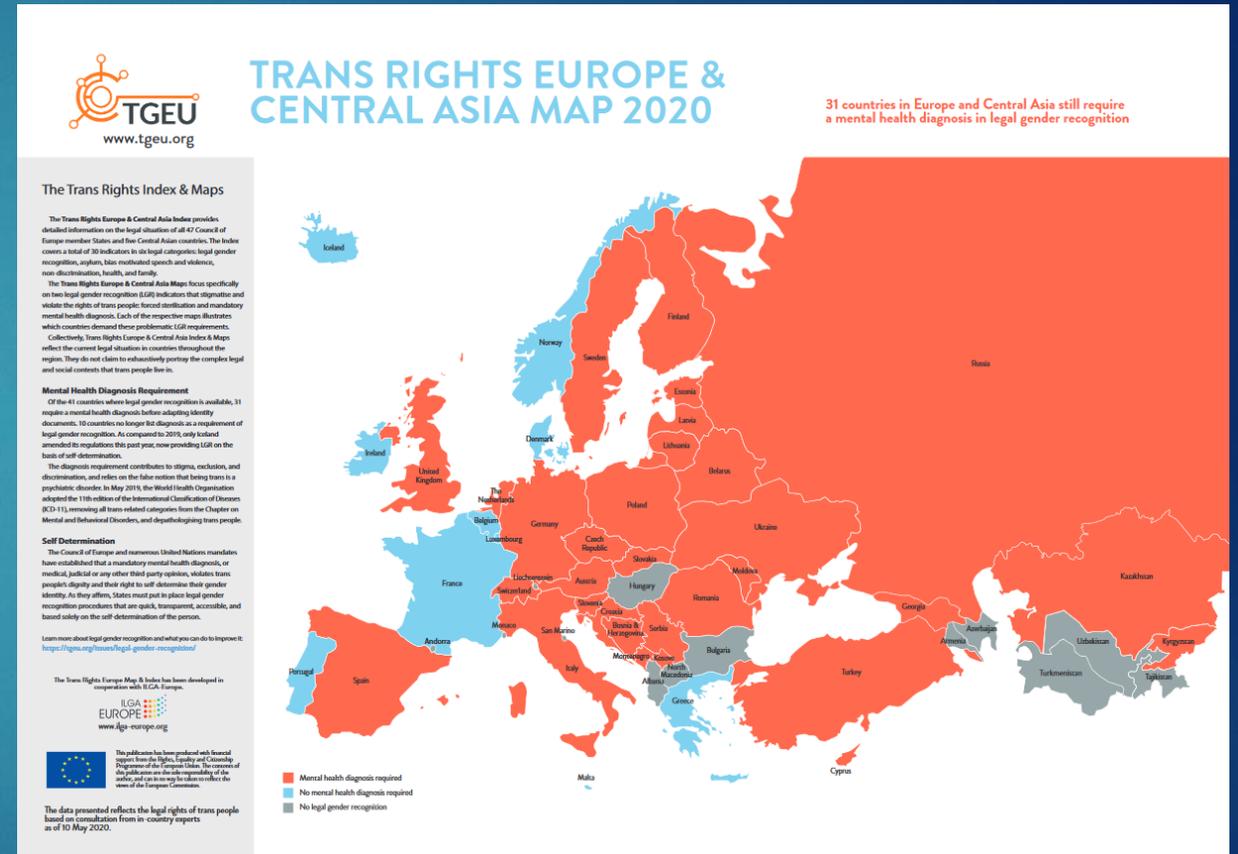
TGEU's Trans Rights Index & Maps 2020

LEGAL GENDER RECOGNITION

The World Health Organization (WHO) removed "Gender Identity Disorder" from its global manual of diagnoses — a major win for transgender rights. But there are **only ten countries where a diagnosis or psychological opinion is not required** for an LGR procedure:

Belgium, Denmark, France, Greece, Iceland (NEW since 2019), Ireland, Luxembourg, Malta, Norway, Portugal and partly Spain.

A "Gender Identity Disorder" might have (i.e.) a negative influence on trans people's adoption or foster care applications.

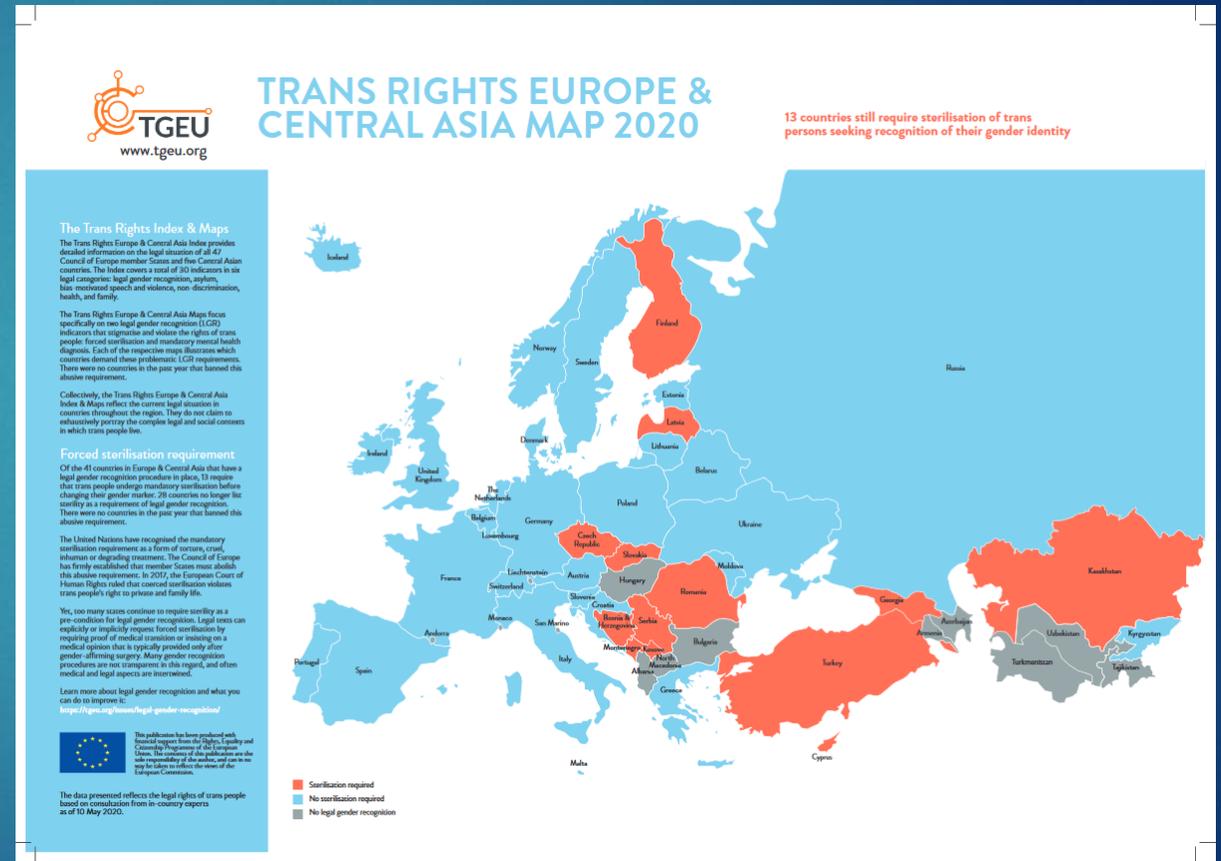


TGEU's Trans Rights Index & Maps 2020

LEGAL GENDER RECOGNITION

Forced sterilisation is still required in 13 of in total 41 countries (where LGR is available) [no changes in 2019!]. The European Court of Human Rights already ruled in 2017, that sterilisation violates trans people's rights. However, it is still required – even in the EU countries **Finland, Latvia, Czech Republic, Slovakia, Romania and Cyprus**. Of course, sterilisation has a very strong impact on trans parenting desires and legal options.

By the way: In the EU, Bulgaria and Hungary don't provide legal gender procedures.



LGBTI SURVEY 2019
FUNDAMENTAL
RIGHTS AGENCY
VIENNA

PART THREE

Fundamental Rights Agency (FRA)

On 14th of May 2020, the European Union Agency for Fundamental Rights, FRA, in Vienna just published its long expected second [LGBTI survey report](#).

It is entitled “**A long way to go for LGBTI equality**”. With almost 140,000 respondents, it is the largest ever survey on hate crime and discrimination against LGBTIQ* people. For further information read FRA’s [press release](#). Of course, we learn also something about rainbow families, even the data is limited.

By the way: You can see survey details [here](#) or just explore the [country data](#).

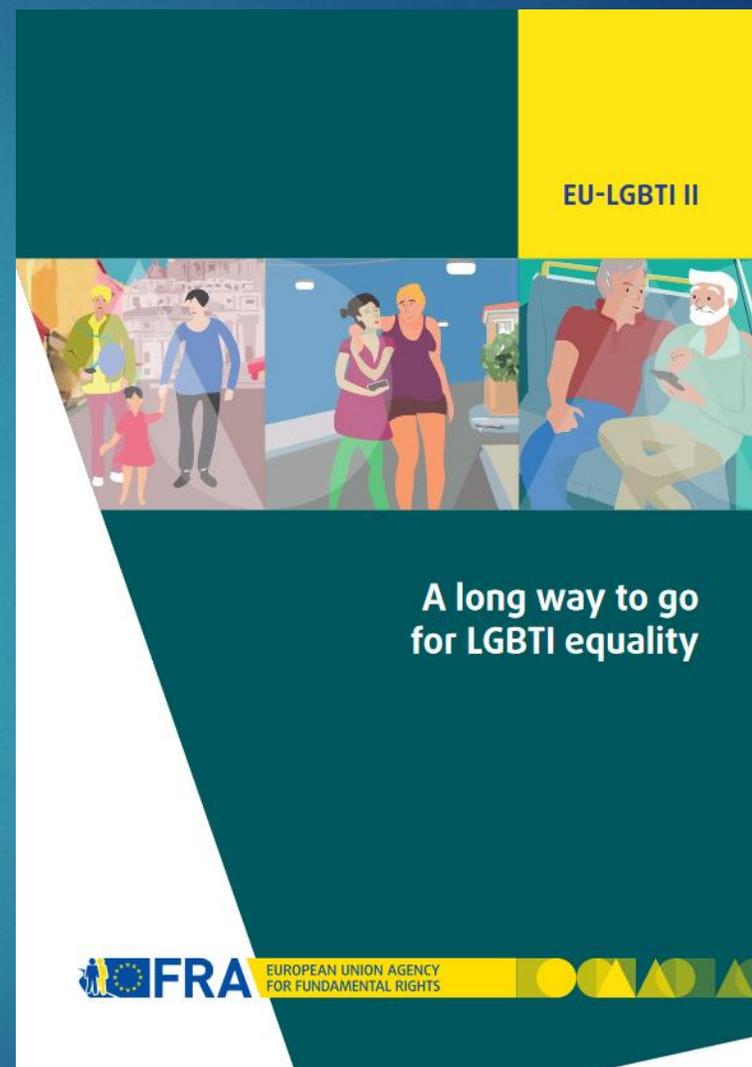


Fundamental Rights Agency (FRA)

CIVIL STATUS

Rainbow families are still a minority within the LGBTIQ* community. **Only 13 % of the respondents are in a registered partnership** (civil union) **or got married with a same-sex partner.**

You find the **highest percentages in Denmark** (26 %), Luxembourg (23 %), Belgium, Sweden and the Netherlands (20 %) and **the lowest percentages in Lithuania, Romania and Bulgaria** (2 %), where LGBTIQ* people can't have a legal relationship with their same-sex partner.

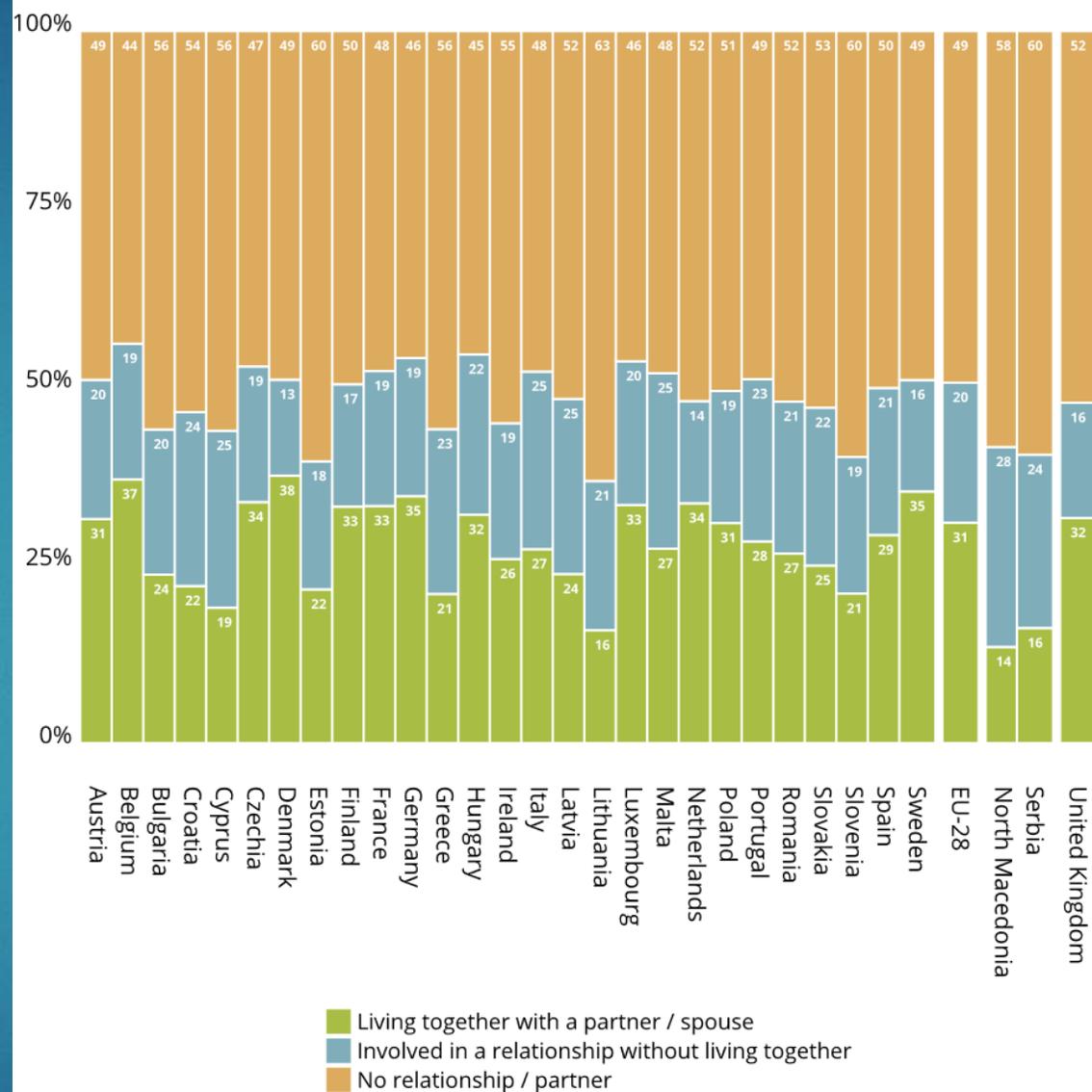


Fundamental Rights Agency (FRA)

FAMILY SITUATION

31 % of all respondents are living together with a partner. Additionally, 20 % are involved in a relationship, but without a common household.

Again, you find the **highest percentages in Denmark (38 %), Belgium (37 %) and Sweden (35 %)** and the lowest in North Macedonia (14 %), Lithuania and Serbia (16 %). Careful conclusion: The better the legal framework, the more couples are living together. Interesting exceptions: i.e. Poland, where 50 % live in a partnership and 31 % in a common household.



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© FRA - All rights reserved - Second Lesbian women, Gay men, Bisexual women & men, Trans people and Intersex people survey, 2020 | What is your current family or partnership situation? - DEXh5 | All | All

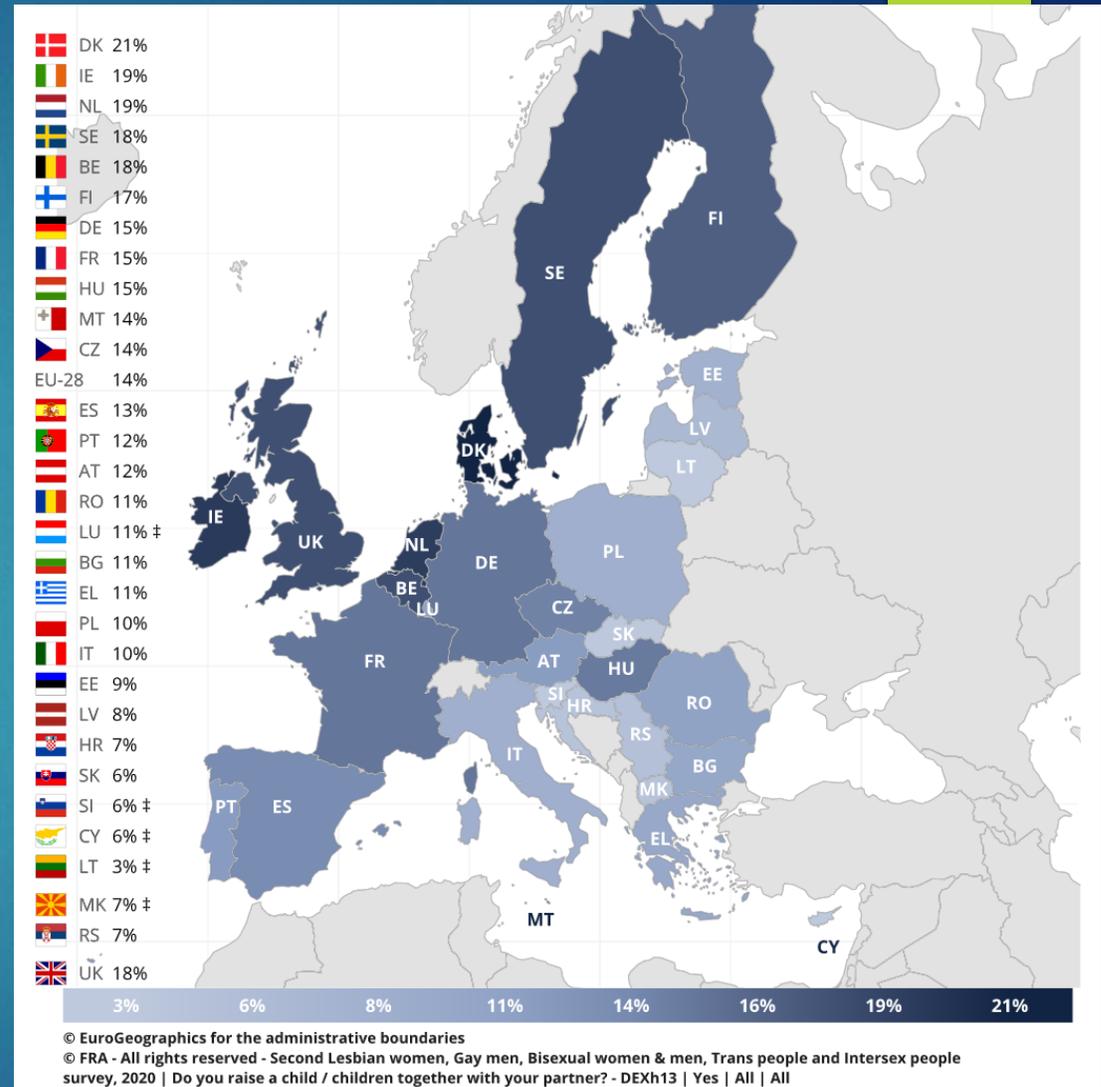
Fundamental Rights Agency (FRA)

CHILDREN

14 % of the respondents raise a child or several children together with their partner (12 % of all respondents: means a total number of 16,775). 3 % are sharing care responsibilities with other person(s).

Interesting is the percentage of different families: **15 % of the lesbian women** say that they raise a child or several children together (17 % of the bisexual women), **but only 3 % of the gay partners** (29 % of the bisexual men). Trans people are with a percentage of 17 % parents together with their partner, intersex people with 14 %.

You find the highest percentages of rainbow families with children in Denmark (21 %), Ireland and the Netherlands (19 %), the least in Lithuania (3%).

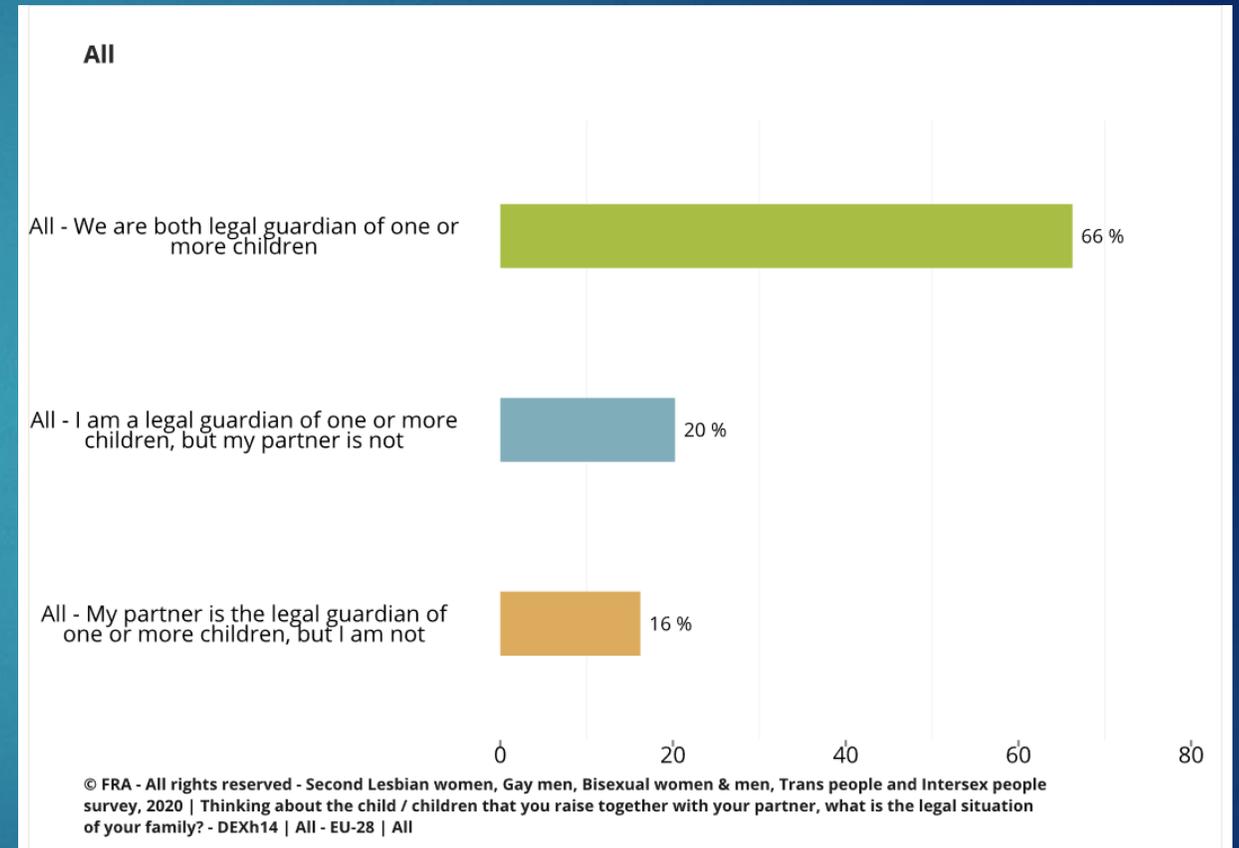


Fundamental Rights Agency (FRA)

LEGAL SITUATION OF FAMILIES (with children)

Surprisingly, **66 % of those LGBTIQ* parents questioned answer that they are both legal guardian of one or more children**. 20 % are themselves legal guardian, but alone. And in 16 % of the cases, the partners are legal guardian.

Here again, the „type“ of family is interesting: **Only 48 % of the lesbian mothers share legal parenthood with their female partner** (best results in Spain [78 %] and Denmark [75 %]) and **only 35 % of gay fathers with their male partner** (best results in Spain [62 %] and UK [59 %]).



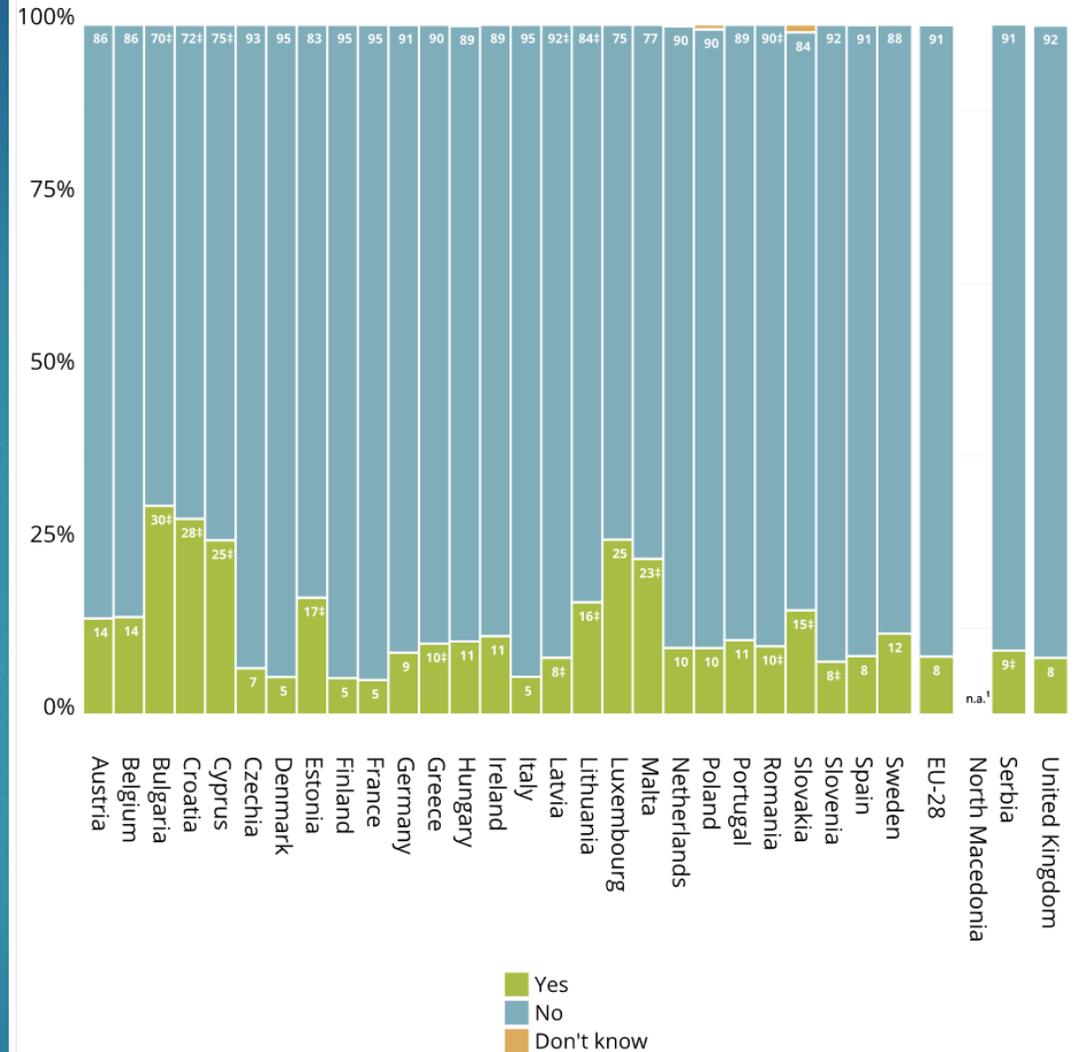
Fundamental Rights Agency (FRA)

MOVEMENT WITHIN THE EU

Only 8 % of the respondents (married or registered) say that they have already moved to another EU country (and also taken up local residence) together with their same-sex partner.

The countries with the highest percentages in this category are Bulgaria (30 %) and Croatia (28 %). But the general number of respondents is quite low. Therefore, the results are less reliable.

There was no further question why people moved. It could be i.e. interesting if it had to do with the legal possibilities to start a family.

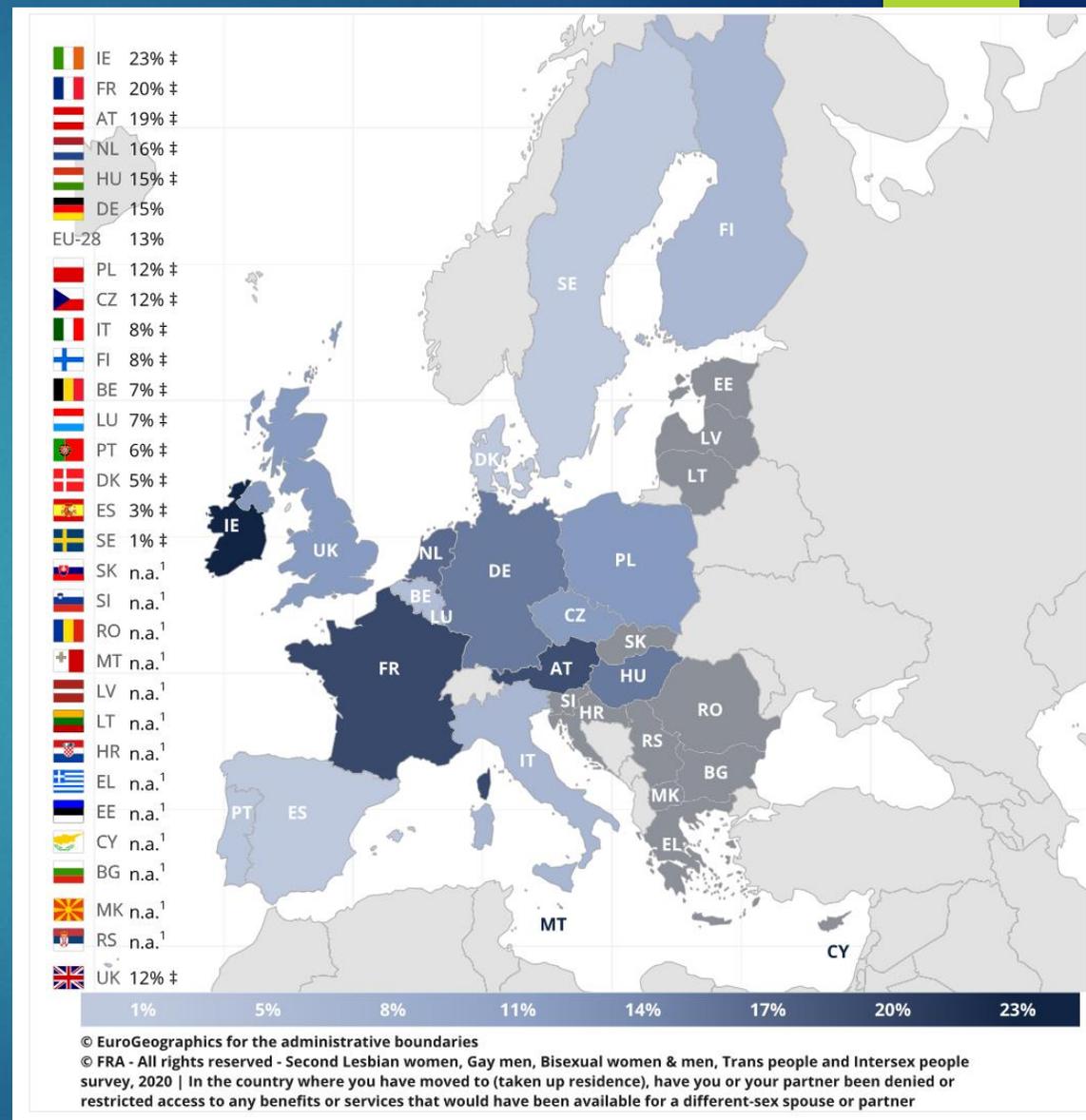


© EuroGeographics for the administrative boundaries
 © FRA - All rights reserved - Second Lesbian women, Gay men, Bisexual women & men, Trans people and Intersex people survey, 2020 | Have you ever moved to an EU country (and also taken up local residence) together with your same-sex partner, since you married or registered your partnership? - DEXh8 | All | All

Fundamental Rights Agency (FRA)

FREE MOVEMENT OBSTACLES

13 % of those couples who already moved to another EU country faced cross-border problems (denied or restricted access to benefits or services that are available for different-sex partners). Obviously, most of the problems were experienced in Ireland (23 %), France (20 %) and Austria (19 %). **Lesbian couples had the most cross-border struggles in Germany (11 %), gay couples in Italy (22 %)**. But again: The sample size is very low. In 13 countries, the survey question was answered by less than 20 respondents.



Fundamental Rights Agency (FRA)

NELFA's CONSIDERATION

We state that LGBTIQ* people enjoy (legal) partnership and (joint) parenthood everywhere in Europe, but – as expected - more in those countries with adequate possibilities. We are a little bit surprised by the low number of couples who moved to another EU country and who (additionally) faced cross-border problems. The number is quite low (1,456 respondents in total).

However, we know that a lot of cases are quite dramatic. Children remain stateless or loose existing familial ties (to their non-biological) parents. Couples can't get adequate social benefits. Read more in our [All Out campaign](#).



The image shows a promotional banner for the 'All Out' campaign. At the top left, the text 'ALL OUT' is written in white on a red background. To the right is a white hamburger menu icon. The main part of the banner features a collage of photos of diverse families and individuals. A central horizontal band contains the text 'FREE MOVEMENT FOR RAINBOW FAMILIES!' in white, bold, uppercase letters, with a small 'nelfa' logo on the left. Below this band is a red button with the text 'SIGN NOW' in white, bold, uppercase letters. The background of the banner is decorated with a blue and yellow star pattern, reminiscent of the European Union flag.

Fundamental Rights Agency (FRA)

QUOTES FROM EU COUNTRIES

Very intensive are various statements of respondents (in particular rainbow couples and families) who still don't feel protected enough in their environment, who are afraid of showing off in public, to reveal their family situation.

We present the survey quotes of respondents in an additional presentation.

Have a look!



LIST OF ACTIONS
FINAL REPORT
2015-2019
EU COMMISSION

PART FOUR

EU Commission

On 15th of May 2020, the European Commission issued the evaluation of its “List of actions to advance LGBTI equality,” the first ever Commission policy framework in this field. The [final report](#) reflects on the achievements and lessons learned over the past five years. In her remarks, Commissioner for Equality, Helena Dalli, states that her aim is to build on the success of the List of Actions by presenting an **EU LGBTI+ strategy**. NELFA is in contact with the Commission – to focus also on **rainbow families**’ issues (for example: free movement, anti-discrimination efforts, access to inclusive education etc.).



EU Commission

FREEDOM OF MOVEMENT

This is a **fundamental right** within the EU (CFR Art. 45) and the Commission should ensure – as guarantor of the treaties – that **every EU citizen and their family members can move freely**.

Unfortunately, **rainbow families still face problems**. NELFA and other organisations steadily raise awareness of these obstacles and the EU Commission has monitored the situation. The crux: Family law and civil status is Member State's competence. Therefore, the possibilities of the EU are limited. But some important efforts were made within the last years...



EU Commission

FREEDOM OF MOVEMENT

13 May 2019: Meeting with Member State's experts and discussion about the so-called **Coman judgment** (the term "spouse" includes "same-sex spouses"). Result: EU countries had to change administrative practices, but no change of legislation was required.

The Commission requested a **study from the Network of Academics on EU citizenship**. The study will look at the possible developments since the Coman judgment in the Member States that do not provide any legal status for same-sex couples.



EU Commission

FREEDOM OF MOVEMENT

In 2019, the Commission received **several complaints** about obstacles to free movement and entered into **dialogue with the relevant Member States**. The complaints concern mainly residence rights for same-sex partners and the **recognition of birth certificates of children born of same-sex couples** in another Member State (with consequences on acquisition of nationality and/or the name of the child).

As regards the recognition of the name of a child of a same sex couple: **the Commission is in discussion with one Member State (Greece) in view of obtaining adjustments to its legislation**. The required amendments have been identified, but the relevant procedures are still to be launched.



EU Commission

FREEDOM OF MOVEMENT

The Commission states their aim to support **key actors for LGBTI equality**. In September 2019, NELFA was invited to take part at the **high-level conference** “Advancing LGBTI equality in the EU: from 2020 and beyond”. One workshop was entitled “LGBTI people and their families in cross-border situations”. NELFA held a **keynote speech** and was later (November 2019) invited to a Member State meeting about rainbow families and their **difficult movement**. ILGA-Europe prepared a list of **proposals** for the upcoming LGBTI strategy.



EU Commission

CAPACITY BUILDING

Some of 200 projects dealing with LGBTI equality have so far been supported by **Erasmus+**. 36 new were started in 2019. NELFA managed three **rainbow families' projects** from 2016 to 2019. In February 2020, we applied for a next one.

The **Rights, Equality and Citizenship Programme** (REC) is another tool to advance LGBTI equality – through operational grants (1,6 million € in 2019), action grants and co-financed projects for organisations in 14 Member States, i.e. Deystvie in Bulgaria. NELFA is partner in their REC project "**Rainbow Shield**".



Joining forces for the well-being of rainbow families

NELFA ERASMUS+ PROJECT (01 JUNE 2018 – 30 JUNE 2019)

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RIGHTS, EQUALITY AND CITIZENSHIP PROGRAMME 2014-2020

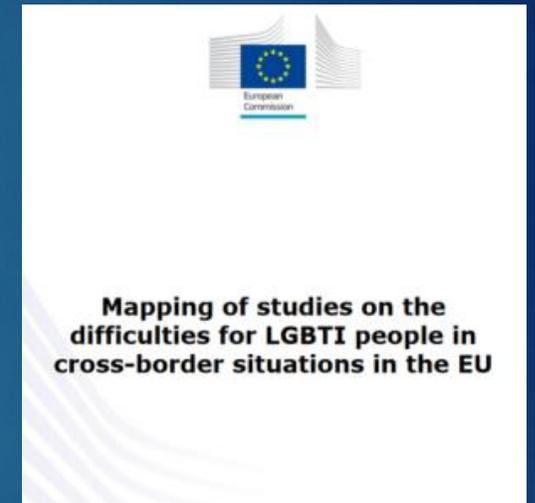
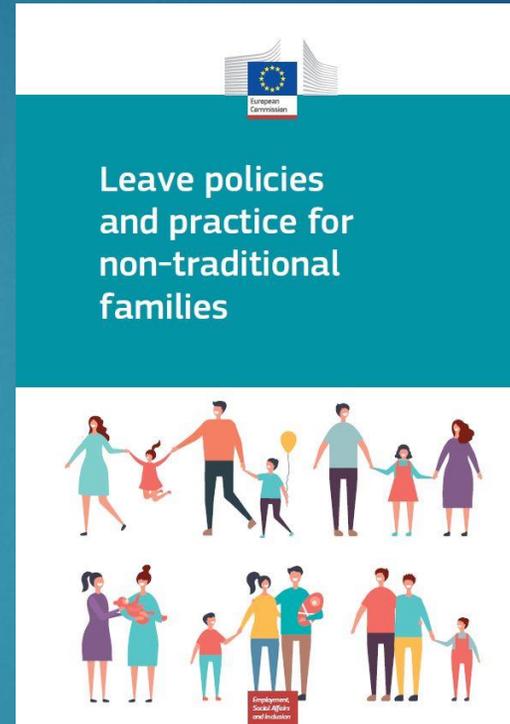
RAINBOW SHIELD: ENHANCING THE LEGAL PROTECTION OF LGBTI PEOPLE IN BULGARIA

EU Commission

DATA COLLECTION AND RESEARCH

In August 2019, the Commission [European Platform for Investing in Children, EPIC] published its “**Leave policies and practice for non-traditional families**”. By the way: in March 2020, the Commission decided internally on an **equal amount of leave** when employees welcome a new-born!

In November, the Commission issued a **report** that maps studies and research on the difficulties for **LGBTI people in cross-border situations** in the EU. It includes also NELFA’s publications, written by our individual member Alina Tryfonidou.



EU Commission

DATA COLLECTION AND RESEARCH

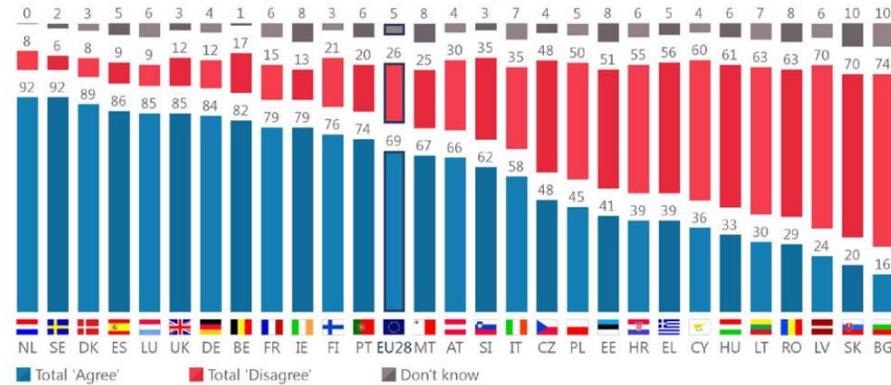
In September 2019, the Commission presented the results of the Special Eurobarometer “Discrimination in the EU”.

It shows for example **increasing support for marriage equality** (69 % of those questioned agree) **and LGBTI inclusive education** (71 % agree) – however with a lot of differences between Member States.

You can also read the [fact sheet](#) of the Special Eurobarometer, the [infographics](#), or the [detailed annexes](#).

QC15.3 To what extent do you agree or disagree with each of the following statements?

Same sex marriages should be allowed throughout Europe (%)



AGREEMENT THAT GAY, LESBIAN OR BISEXUAL PEOPLE SHOULD HAVE THE SAME RIGHTS AS HETEROSEXUAL PEOPLE VARIES WIDELY BETWEEN THE MEMBER STATES*



72%
OF EUROPEANS SAY THERE IS
**NOTHING WRONG IN A SEXUAL
RELATIONSHIP BETWEEN TWO
PERSONS OF THE SAME SEX**

*This represents a 5 pp increase
since 2015 (72% vs 67%)*



69%
OF EUROPEANS BELIEVE
**SAME-SEX MARRIAGE
SHOULD BE ALLOWED
THROUGHOUT EUROPE**

*This represents an 8 pp increase
since 2015 (69% vs 61%)*

EU Commission

OTHER IMPORTANT ISSUES...

An **Equal Treatment Directive** (better protection against discrimination) remains a priority for the Commission.

Circulation of public documents (without an apostille since 16 February 2019).

Property regimes for international (same-sex) **couples** since 19 January 2019 in 18 Member States (enhanced cooperation).

IDAHOT event with NELFA on 17 May 2019 (breakfast event) [see photo].





“ The EU adopted regulations simplifying the circulation of public documents and on the property regimes of international couples that also apply to same-sex couples. Despite this progress, this does not mean that all Member States now recognise same-sex marriage or registered partnership records from other Member States. LGBTI people still face a legal patchwork regarding the recognition of their public documents, and this might influence their choices of where to live, study and work in the EU.

”

IMPROVING RIGHTS AND ENSURING LEGAL PROTECTION

EU COMMISSION, FINAL REPORT 2015-2019, REFLECTIONS



“ In the “Coman case”, the Court [CJEU] clarified that the term ‘spouse’ used in the Free Movement Directive also applies to a person of the same sex as the EU citizen to whom he or she is married. Correct implementation and strong monitoring and enforcement of existing legislation is as important as adopting new legislation to improve the rights of LGBTI people under EU law. The European Commission will continue to be the Guardian of the Treaties with the help of ‘watch dogs’ in the field... ”

MONITORING AND ENFORCEMENT OF EXISTING RIGHTS

EU COMMISSION, FINAL REPORT 2015-2019, REFLECTIONS

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 41 ORGANISATIONS IN 33 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: [HTTPS://BIT.LY/2PST8KP](https://bit.ly/2PST8KP). NEWSLETTER: [HTTP://BIT.LY/2FCN5C5](http://bit.ly/2FCN5C5).

MAKE A DONATION

SUPPORT NELFA AND LGBTIQ* FAMILIES IN EUROPE BY MAKING A DONATION.
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