Rainbow Families in Europe

A NELFA PRESENTATION FOR THE CONFERENCE: INTERSECTIONALITY AND LGBTI POLICIES IN EUROPE, 18-19 NOVEMBER 2020
NELFA is...


CURRENTLY 41 ORGANISATIONS REPRESENTING 33 EUROPEAN COUNTRIES (20,000+ MEMBERS). APPROXIMATELY 10,000 CHILDREN!

MAIN GOALS: VISIBILITY, EXCHANGE (BEST PRACTICES, NEWS, MONITORING THE LEGAL SITUATION), ADVOCACY WORK (ON THE EUROPEAN LEVEL) FOR MORE RECOGNITION, PROTECTION, EQUAL TREATMENT AND ACCEPTANCE, CAPACITY BUILDING (ERASMUS*, REC-PROJECT) AND LEGAL SUPPORT
[...] rainbow families exist throughout Europe, whether or not legislation provides for them. These families have the same needs as any other family, yet many are deprived of their rights on the grounds of the sexual orientation or gender identity of the partners or parents. It is crucial and urgent that our legal systems acknowledge this reality and that States work to overcome the discrimination experienced by both adults and children [...]
I will [...] push for mutual recognition of family relations in the EU. *If you are a parent in one country, of course, you are a parent in every country.*

*Ursula von der Leyen – President of the European Commission*

[...] Homosexual people have a right to be in a family. They are children of God and have a right to a family. Nobody should be thrown out or be made miserable over it. What we have to create is a civil union law. That way they are legally covered. I stood up for that. [...]

Jorge Mario Bergoglio – Pope Francis

Interview in a documentary film, Francesco [directed by Evgeny Afineevsky], which premiered at the Rome film festival on 21 October 2020
CURRENT KEY FACTS

FRA Survey 2019: 140,000 LGBTIQ* respondents

- 31% are living together with their partners (best results in Denmark, Belgium, Sweden)
- Only 13% are in a registered partnership or got married (Denmark, Luxemburg…)
- 14% raise at least a child together with their partner (lesbian couples 15%, gay couples 3%, bisexual women 17%, bisexual men 29%, trans people 17%, intersex 14%)
- Most rainbow families in Denmark, Ireland and the Netherlands, the least in Lithuania
- 66% of the LGBTIQ* parents are both guardian of their child(ren). Lesbian couples only 48% and gay couples 35%
KEY FACTS
Rainbow Map 2020 (ILGA) – Family Rights Europe (1)/EU (2)
KEY FACTS
Rainbow Map 2020 (ILGA) – Family Rights Country Ranking
CURRENT KEY FACTS

ILGA-Europe – Rainbow Map 2020:

LGBTIQ* PARTNERSHIP RIGHTS...

- **Marriage equality in 16 European countries** (13 EU), most recently in Northern Ireland. Soon in Andorra and Switzerland?, campaigns in Czechia and now Estonia
- **24 (26) countries with registered partnerships.** Monaco is not yet mentioned (December 2019), most recently Montenegro, new efforts i.e. in Latvia, Romanian couples at the ECtHR
- **Constitutional limitations in 18 (19) European countries** (9 EU). Most recently: Russia
- **NO RECOGNITION IN**... Latvia, Lithuania, Poland, Bulgaria, Romania, Slovakia
CURRENT KEY FACTS

ILGA-Europe – Rainbow Map 2020:

LGBTIQ* PARENTHOOD RIGHTS...

• **Joint adoption in 17 countries** (marriage equality countries + Andorra) (13 EU)

• **Second-parent adoption in 19 (20) countries (14 [15] EU).** New is Estonia, not mentioned is Croatia (Life Partnership Act). Possibilities in Italy (single court decisions) and Ireland (guardianship).

• **NO RECOGNITION in 10 EU countries:** Bulgaria, Cyprus, Czech Republic, Greece, Hungary, Latvia, Lithuania, Romania, Poland, Slovakia.
CURRENT KEY FACTS

ILGA-Europe – Rainbow Map 2020:

LGBTIQ* PARENTHOOD RIGHTS...

- (Automatic) co-parent recognition in 10 countries (8 EU). Ireland with new (known-donor) possibilities in May 2020. We have to add: Sweden, Finland and Slovenia.

- Strong debates in France, Switzerland and Germany. Mostly after (IVF) treatment in a clinic (i.e. Austria, Sweden), or through marital presumption (i.e. Malta)
CURRENT KEY FACTS

ILGA-Europe – Rainbow Map 2020:

LGBTIQ* PARENTHOOD RIGHTS...

• Medically assisted insemination for same-sex couples in 14 European countries (11 EU). (strong debates in France, Ireland, Switzerland, Germany)

• Medically assisted insemination for (LGBTIQ*) single women in 26 (27 countries) (17 EU). Most recently in Norway. In Poland (2015) and Serbia (2019), the possibilities were banned for singles.

• In the discussion: familial recognition, the rights of the biological fathers, children's rights: shift from an anonymous gamete donation to a known-donor concept (CoE recommendation 2019), equal subsidies
Anonymous or known donor?
CURRENT KEY FACTS

LGBTIQ* PARENTHOOD RIGHTS...

- At least in theory, LGBTIQ* couples can foster children in 18 EU countries, in two EU states single persons may apply. In Italy, there are some regions where fostering is possible. New: Croatia (after several court decisions...)

- Multi-Parenting – no country in Europe gives parental rights to more than two persons. Strong debates in the Netherlands (deelgezag) and Finland, formerly in Sweden, Germany. At least France and Croatia know legal parental plans (after divorce) that include LGBTIQ* families

- Surrogacy: altruistic for LGBTIQ* in UK, in the Netherlands and Belgium restricted but not illegal, Greece: only single women. Big issue: recognition of birth certificates from abroad (USA, Canada) => ECtHR advisory opinion 2019: intended parents should be recognised as soon as possible (adoption, direct recognition)
Freedom of movement?

The new LGBTIQ Equality strategy promises the review of the freedom of movement guidelines and a legislative initiative to support mutual recognition of parenthood within the EU in 2022!!
RAINBOW FAMILIES TRENDS
TRENDS

RAINBOW FAMILIES COME OUT, PROUD: MOST PROBABLY, LGBTIQ* PARENTS HAVE ALWAYS EXISTED, BUT IT’S RELATIVELY NEW, THAT THEY REVEAL THEIR SEXUAL ORIENTATION AND/OR GENDER IDENTITY PUBLICLY.

THE RAINBOW FAMILY MOVEMENT WAS BORN IN THE 80’s AND 90’s, BUT STILL GAINS MOMENTUM. MORE AND MORE LGBTIQ* PEOPLE WOULD LIKE TO BECOME PARENTS AND CLAIM FOR RECOGNITION AND EQUALITY.

MEDICAL ADVANCEMENT AND SOCIETAL DEVELOPMENT OPEN NEW POSSIBILITIES FOR LGBTIQ* PARENTS-TO-BE: ASSISTED REPRODUCTIVE TECHNIQUES, ADOPTION/FOSTER CARE, MULTI-PARENTING (...).
TRENDS

PUBLIC OPINION ON RAINBOW FAMILIES IS ADVANCING POSITIVELY. BUT THE SPEED VARIES WIDELY FOR MANY REASONS: CULTURAL BACKGROUND, RELIGIOUS BELIEFS, POLITICAL FRAMEWORK, ECONOMIC CONDITIONS, MEDIA COVERAGE...

EUROBAROMETER 2019:

69 % FOR MARRIAGE EQUALITY (61 % in 2015) in the EU (incl. UK).
92 % in the Netherlands and Sweden, 84 % in Germany, but only 20 % in Slovakia and 16 % in Bulgaria...

71 % AGREE WITH LGBTIQ* INCLUSIVE EDUCATION (Sexual Orientation)
PUBLIC OPINION ESPECIALLY ON LGBTIQ* PARENTING IS ALSO CHANGING POSITIVELY, BUT ON A LOWER LEVEL. THE DIFFERENCES BETWEEN THE COUNTRIES ARE STILL VERY SIGNIFICANT.

THERE IS STILL AN UNCOMFORTABLE GUT FEELING. LGBTIQ* PARENTING IS NEW, UNUSUAL AND STILL TRIGGERS XENO/NEO/HOMOPHOBIA (...).

BUT, SCIENTIFIC RESEARCH IN 30 YEARS IS VERY CLEAR: CHILDREN RAISED UP IN RAINBOW FAMILIES ARE ALRIGHT OR EVEN BETTER (IN SCHOOL), SELF-CONFIDENT THAN THEIR PEERS. THERE IS THE SAME LOVE, CARE AND RESPONSABILITY, SAME NEEDS, SAME STRUGGLES, SOME ADDITIONAL BURDENS (...).
THE LEGAL RECOGNITION OF RAINBOW FAMILIES HAS AMAZINGLY INCREASED WITHIN THREE DECADES.

DENMARK 1989: FIRST REGISTERED SAME-SEX PARTNERSHIPS

THE NETHERLANDS 2001: FIRST SAME-SEX MARRIAGES & JOINT ADOPTION

NORWAY 2002: FIRST GAY MARRIED PRIME MINISTER, PER-KRISTIAN FOSS

SWEDEN 2005: AUTOMATIC CO-PARENT RECOGNITION (AFTER DOMESTIC FERTILITY TREATMENT FOR LESBIAN COUPLES)

ICELAND 2009: JOHANNA SIGURDSDOTTIR, FIRST PERMANENT LGBT HEAD OF STATE

MALTA 2015: TRANS PARENTHOOD

FINLAND 2019: SANNA MARIN, FIRST KNOWN HEAD OF STATE RAISED IN A RAINBOW FAMILY (two mothers)

BELGIUM 2020: PETRA DE SUTTER, FIRST KNOWN TRANS (Vize Prime) MINISTER
THE ACHIEVEMENTS FOR RAINBOW FAMILIES AND LGBTIQ* RIGHTS IN GENERAL, HAVE BEEN ALWAYS ACCOMPANIED BY A STRONG OPPOSITION. UNFORTUNATELY, THE ANTI-MOVEMENT IS ACTUALLY VERY POWERFUL AND LOUDER THAN EVER.

THE BACKLASH IS GROWING, WITH REFERENCE TO TRADITIONAL VALUES, THE PUBLIC ORDER AND DEMOGRAPHIC SORROWS, IT’S ABOUT ATTACKS AGAINST „EXPERIMENTS“ OF WESTERN SOCIETIES, THE EUROPEAN UNION IN PARTICULAR.


HATE CRIMES AGAINST RAINBOW FAMILIES IN POLAND, SERBIA, CROATIA, SPAIN (...).
PERSPECTIVES

More rights through STRATEGIC LITIGATION

NELFA supports third-party interventions at the ECtHR in Strasbourg (most recently several Polish cases and a Romanian complaint)

NELFA hopes for new ECJ decisions after the Coman judgment 2018 (term spouse includes same-sex spouses under EU law – freedom of movement). Most recently, Deystvie in Bulgaria submitted for the first time questions regarding legal ties in rainbow families with children!

NELFA was engaged in a case at the UN Committee on the Rights of the Child (2020). It was about a Russian rainbow family. They had asked for asylum in Finland, but failed.

NELFA encourages rainbow families to claim for their rights in their own countries. Or to write petitions to the EU Parliament/Commission.

NELFA works with LGBTIQ* family lawyers – exchange of current developments (FLI).
NELFA works together with international networks and organisations to raise awareness and advance the rights of rainbow families (ILGA, TGEU, COFACE, Eurochild, All Out etc.)

NELFA is partner of the institutions - for LGBTIQ* parenting expertise (EU-Parliament Intergroups, EU Commission, Council of Europe, EIGE, EPIC)

=> The new LGBTIQ Equality Strategy (November 2020), Child Guarantee

NELFA gives key note speeches, workshops, seminars to explain the status of rainbow families across Europe. Capacity building through Erasmus+, REC-projects
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. LEAFLET: HTTPS://BIT.LY/2PST8KP. NEWSLETTER: HTTP://BIT.LY/2FCN5C5.

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