

RAINBOW FAMILIES in EUROPE

ILGA'S **ANNUAL REVIEW 2022**
FROM A NELFA PERSPECTIVE



The following slides show the (legal) LGBTIQ* developments in the European countries in 2021 with regard to rainbow families. The data were taken from ILGA-Europe's Annual Review 2022. (photo AFP)



ALBANIA

The Ministry of Justice launched a consultation regarding amendments to the Family Code and the Adoption Law. In June, the authorities refused to register two women, who are a same-sex couple, as parents of their two children. The case is now at the Administrative Court.



ANDORRA

In February, the parliament adopted the amendments of the Law of the Person and Family, establishing that civil unions will remain available for same-sex couples, but the term “marriage” will only be used for heterosexual couples.

The law recognises the parenthood of both parties who have a child via surrogacy, if the surrogacy was carried out in a country where it is legal.





ARMENIA

No significant changes in 2021 for rainbow families.





AUSTRIA

No significant changes in 2021 for rainbow families.



AZERBAIJAN

No significant changes in 2021 for rainbow families.





BELARUS

No significant changes in 2021 for rainbow families.





BELGIUM

Johan Bonny, the Bishop of Antwerp expressed his support for same-sex couples following Pope Francis' statements in March that Catholic priests should not bless same-sex marriages. To better inform trans people who wish to have children about their options, the Transgender Infopunt collaborated with fertility centres, the Flemish centre for adoption, and Foster Care Flanders, who added and spotlighted information for trans people on their website.



BOSNIA and HERZEGOVINA

The first Intersectoral Working Group on same-sex partnership and the rights of same-sex couples managed to resume its work this year and held a number of meetings. The Working Group, of which Sarajevo Open Centre is an observer, is in the process of analysing existing provisions and outlining any necessary additional provisions and legislation. The next steps would involve the creation of an official Working Group for drafting the law itself, but this process is currently stalled.



BULGARIA

The CJEU ruled in the case of *V.M.A. v Stolichna obshtina* that Bulgaria must immediately provide identity documents to baby Sara, the child of a Bulgarian-British married same-sex couple. The child has a Spanish birth certificate featuring two mothers. As neither of them were Spanish citizens, the child was not granted citizenship and was also denied a Bulgarian birth certificate, thus rendered stateless. The judgement obliges EU MS to recognise parenthood across borders. Bulgaria's travel restrictions have affected rainbow families disproportionately, as the authorities routinely refuse to recognise them as a family unit. Deystvie obtained an official statement (Ministry of Interior and Border Police), with which partners of LGBTI people can legally enter the country.



BULGARIA

Koilova and Babulkova v. Bulgaria on the recognition of same-sex marriage formed abroad, and Dimitrova v. Bulgaria, on protection from domestic violence, were communicated to the government by the European Court of Human Rights. Both are litigated by Deystvie. Bilitis published a comparative report on the daily challenges of rainbow families in six EU countries (Bulgaria, Latvia, Lithuania, Slovakia, Poland and Romania) where rainbow families are not formally recognised.



CROATIA

The High Administrative Court ruled in April that same-sex marriage entered abroad must be recognised as registered partnership in Croatia.

On 21 April, the Administrative Court of Zagreb ruled that same-sex couples can adopt children. Local LGBTQI organisations reminded that life partners must be also included in the interpretation of the judgement, in line with the 2014 Life Partnership Act. Much to the condemnation of civil society, the Ministry of Labour, Family and Social Policy filed an appeal.

In amendments to the Foster Care Act, drafted in October, the Croatian government refused again to explicitly indicate same-sex partners as possible foster parents.



CYPRUS

Family rights remained an important concern for civil society this year, but no developments took place despite civil society's continued advocacy.

At least one same-sex couple encountered difficulties this year with the recognition of their civil partnership in Cyprus, which they previously concluded abroad. The couple also faced hurdles attaining civil partnership in Cyprus and sent a complaint to the Ombudswoman.



CZECHIA

The Constitutional Court ruled that a section of Czech law, which fails to recognise parenthood established under foreign law, is compliant with the Constitution. Then, the Senate rejected a proposal that would have removed the ban on recognising the joint parental rights same-sex couples acquired under foreign law. In April, the parliament finally voted in favour of moving the marriage equality law to its second reading. The marriage equality bill was first introduced in 2018 and civil society waited for over a 1,000 days for this step. At the time of the vote, it was likely that the bill would not be able to move forward before the October elections, due to lack of time. In addition, periods for deliberations in parliamentary committees, which are part of the second reading, were extended, further decreasing the chances of having enough time to adopt the bill before October elections. In the end, the bill did not move forward, and the legislative process now has to start all over again.



CZECHIA

Another bill, attempting to place a constitutional ban on marriage equality, also moved to its second reading but, just like the equal marriage bill, was stalled before the elections. In August, the parliament's lower chamber rejected a bill that would have extended the right to foster to same-sex or unmarried couples.

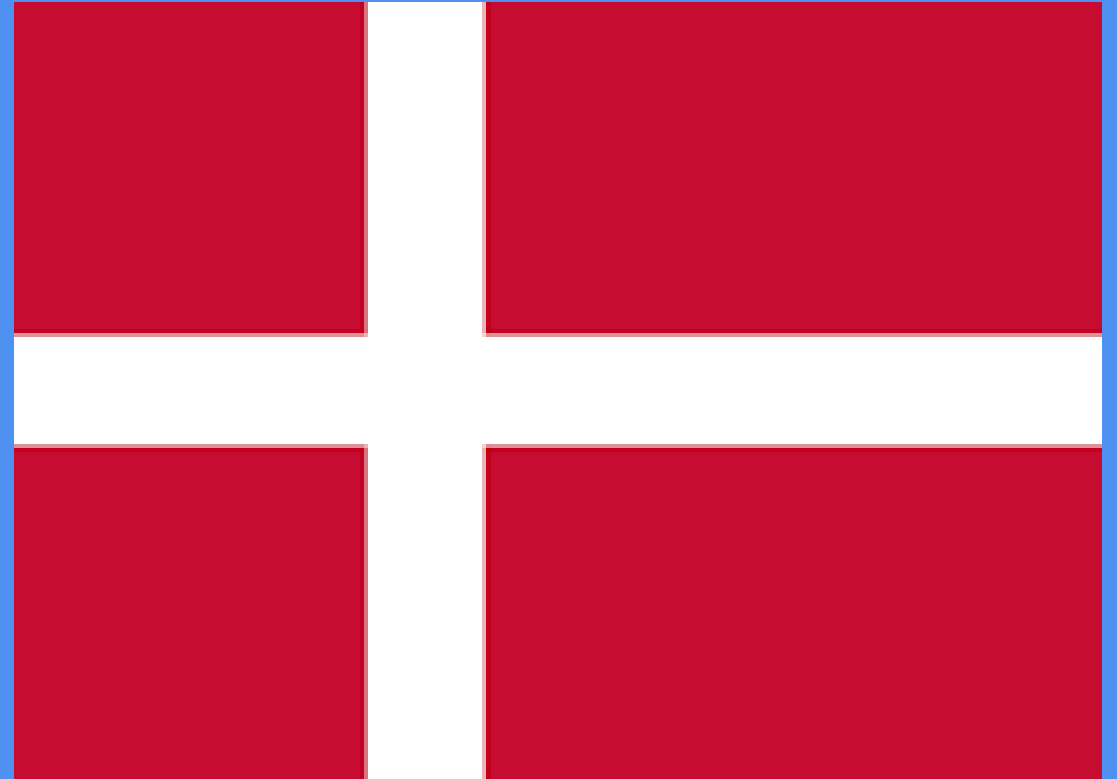
Jsme Fér continue to share testimonies of same-sex parent couples again this year, including of two dads who have had to split their foster rights between their three foster children. The accounts shed light on the discrimination that same-sex couples suffer in lack of marriage equality and equal family rights. 70,000 people joined the petition in support of equal marriage in 2021, amounting to 140,000 in total.



DENMARK

In May, rainbow families shared testimonies about being excluded from the legal system. The government drafted and re-drafted amendments to family laws, which will give equal treatment to potential co-mothers and potential fathers and will recognise gestational trans men as fathers. The planned amendments to the Administration of Justice Act will drop binary gender roles and the gendering of birth parents.

In February, the European Parliament's Petitions Committee examined NELFA and LGBT komiteen's petition and called on the EU Commission to investigate the lack of mutual recognition of parenthood across EU borders. The case concerns a Bulgarian-Danish couple of two mothers, whose parenthood was recognised in Denmark, but not in Bulgaria. Some rainbow families, recognised abroad as lawful parents, also lost that recognition in Denmark, for instance because their child was born out of surrogacy.



ESTONIA

Estonia continued to struggle with a divided debate on family rights. The coalition government resigned in January, on the day of the third reading of the marriage referendum draft. Civil society repeatedly expressed its disappointment that the current legislation differentiates between same-gender registered partners and different-gender married couples and that the implementation of the Registered Partnership Act remains flawed. The Act was adopted in 2014, but still lacks the necessary bylaws that would make its smooth implementation possible. In May, Estonia received 24 and accepted 19 recommendations on LGBT+ issues as part of its third Universal Periodic Review, nine of which asked the government to adopt the necessary implementation provisions. Almost two-thirds of Estonians support the implementation of the Registered Partnership Act and almost half support marriage equality. In 2020, the Social Democrats, and the non-parliamentary Green Party and Estonia 200 formed a pact of support on the issue. The topic was also on the agenda during the elections in the autumn.



ESTONIA

In November, the parliament's Legal Affairs Committee discussed the petition of the Estonian Greens, which gathered over 35,000 signatures and became Estonia's most successful collective appeal to date. The Committee clarified that marriage is equally guaranteed for all "able-bodied persons" who have no legal obstacles to marriage. Regrettably, the Committee did not discuss the core of the petition and decided not to send a bill to parliament, which could have extended the scope of those allowed to marry. In September, the Supreme Court declared the Aliens Act, restricting the residence of same-sex couples in Estonia was, unconstitutional. The Act restricted this right if a foreigner wanted to reside with a partner who has a residence permit. The same has applied to foreigners whose partner is an Estonian citizen.



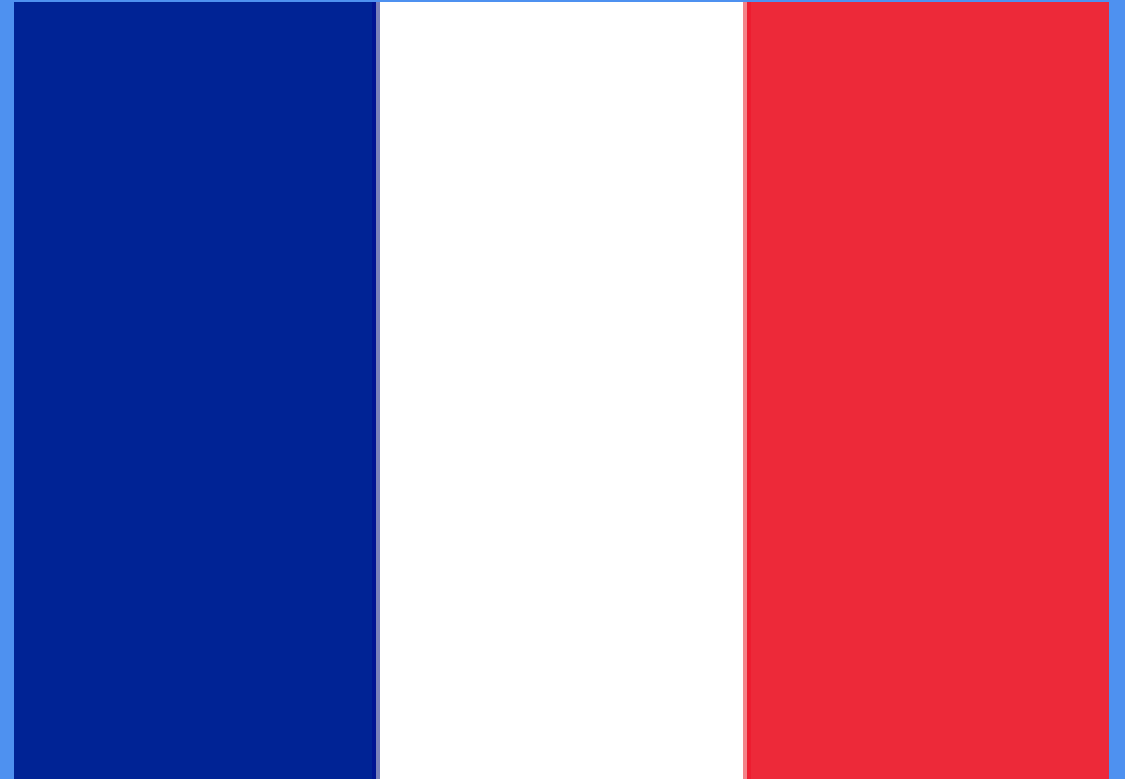
FINLAND

In the spring, the government shared the first draft of the new Parental Law, which was met by firm criticism by civil society as it fails children in rainbow families entirely. LGBTIQ* civil society had advocated for the recognition of more than two legal parents and for gender neutral parenthood recognition instead of naming parents as mothers and/or fathers. The bill was introduced to the parliament in the autumn, but it did not include these issues - a great disappointment to LGBTIQ* organisations. Civil society called on the government to regulate surrogacy, which is an increasing demand by same-sex couples in Finland. Civil society also shared guidelines on the issue. In September, the Family Federation of Finland also published a statement in favour of making surrogacy accessible in a non-discriminatory way also to single women and men and same-sex couples.



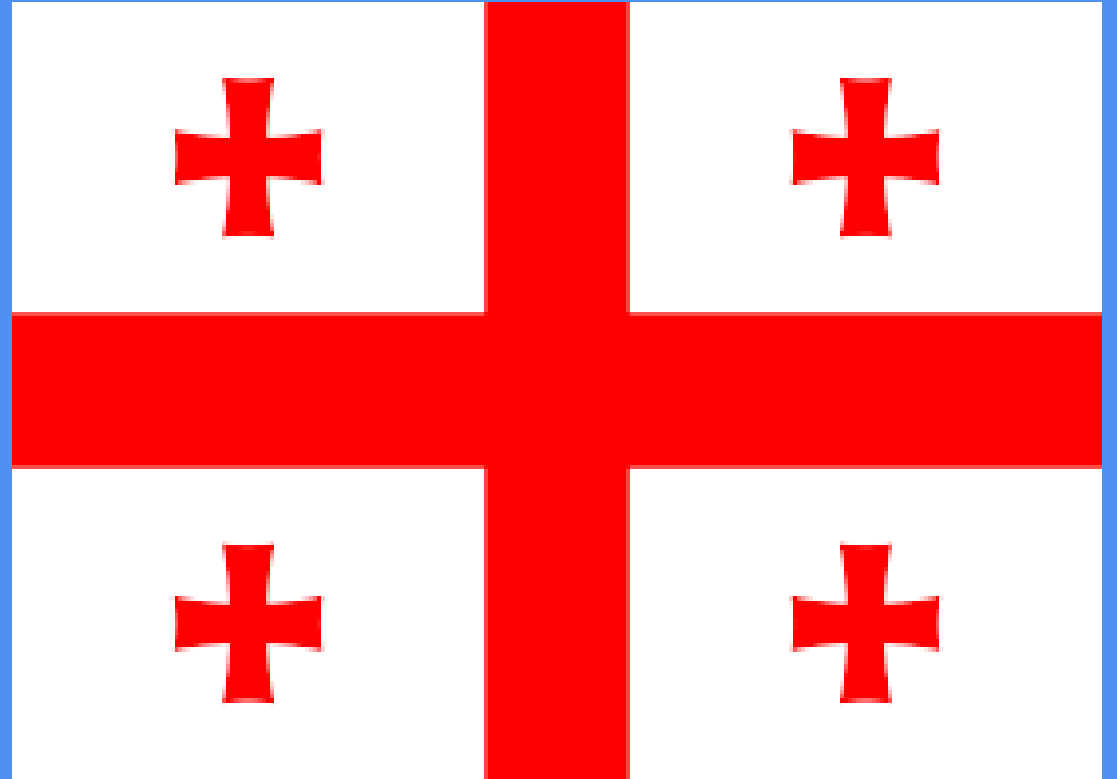
FRANCE

The first same-sex (lesbian) priest couple were joined in marriage in a Protestant Church in Montpellier. The government announced that official civil status forms will be adjusted to become inclusive of rainbow families (March 2022). In November, a court ruled in favour of a trans woman who wants to be legally recognised as the mother of the child she had before having her gender marker changed. The final judgement is expected in 2022. In April, the first lesbian demonstration took place in Paris, demanding medically assisted reproduction for all, including lesbians and single women. In June, the parliament voted to extend cost coverage for in vitro fertilisation to lesbians and single women, but only mentioning 'women' explicitly, excluding many trans and intersex people. The law also maintains stepchild adoption for same-sex couples, which is not a requirement for heterosexual couples who use donor gametes. The legislative process was delayed again.



GEORGIA

No significant changes in 2021 for rainbow families.



GERMANY

Germany is yet to abolish mandatory second-parent adoption for lesbian same-sex couples, trans, non-binary and intersex parents. Berlin tabled a proposal in the Bundesrat for the legal change to be introduced at the federal level, which was rejected in the Federal Council. In April, the LSVD launched an e-mail campaign urging members of the Bundestag of the SPD and Union to reform the law, but no developments took place. In their exploratory paper, the SPD, Greens and FDP envision the necessary legal changes. There are now several lawsuits against the current right of descent by the Initiative #NoDoption and the Society for Civil Liberties (GFF), including before the Federal Constitutional Court. German Catholic priests refused to comply with the ban on same-sex marriage blessings.



GERMANY

The case of a trans man, who gave birth and is not recognised as the 'father', despite having the legal gender 'male' is still pending at the European Court of Human Rights. The case was joined by a trans woman who is the biological parent of her child but will not be recognised as the 'mother' without adoption.

Parents with a non-binary gender marker also faced discrimination this year. BVT* published a brochure on trans parenthood. The Free Democratic Party presented a position paper on the approval of non-commercial surrogacy and egg donation. As of this year, same-sex couples in Berlin and Rhineland-Palatinate are able to apply for partial cost coverage for medically assisted reproduction. Civil society would like to see broader federal rules in place.



GREECE

Several LGBTQ parents shared their experiences of discrimination and bureaucratic hurdles. A new Family Law was adopted, continuing to exclude rainbow families, violating the Istanbul Convention and the National LGBTI+ Strategy. In June, Syriza launched a consultation on a more progressive family law, which TGSA welcomed. TGSA recommended gender-neutral language on parenthood, marriage, partnership, and pregnancy and the inclusion of SOGIESC as protected grounds.



HUNGARY

The new law on adoption entered into force in March, requiring a special permission from the Minister of Family Affairs if an unmarried person (including those in same-sex relationships) wants to adopt. While the law applies only to new adoption procedures, the authorities also started to reject earlier applications. For example, in December 2020, a request was denied arguing that a gay man falsely applied as a single individual, despite being in a relationship. The man, however, was open about his relationship throughout the procedure.



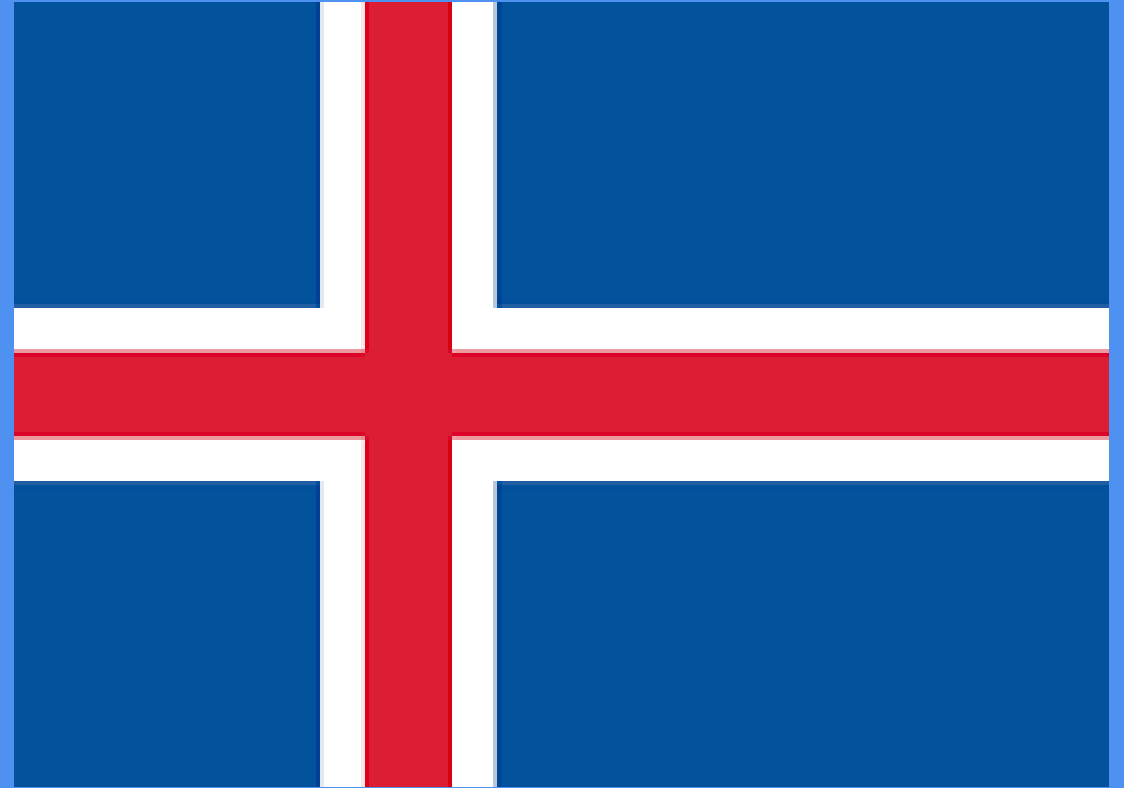
HUNGARY

In October, a gay man was denied with the justification that he would not be able to raise the child according to Christian values as required by the Fundamental Law (Constitution). In the same month, a lesbian woman was also denied on the basis of the Fundamental Law, which now says that “the mother is female, the father is male”. Judicial review is pending in the first two cases. In November, the Foundation for Rainbow Families launched the #ugyanaz/#same campaign aiming to show that despite the similarities of daily life, children living in rainbow families don’t have similar rights.



ICELAND

The Children's Law was amended to allow for gender-neutral registration for parents.



IRELAND

The Family Leave and Miscellaneous Provisions Bill 2021 passed through all stages of parliament, granting male same-sex couples adoptive leave. Previously, only mothers or single fathers could take this leave. In March, for the first time, a female same-sex couple were both recognised as 'parents' on their twins' birth certificates. In December, the High Court found that a child born out of surrogacy to a same-sex couple, where one parent is a citizen, has the right to citizenship. After delays, the Irish special rapporteur on child protection published his report on the 2015 Children and Family Relationships Act and its gaps, with recommendations on parenthood recognition and surrogacy. In April, civil society launched a petition urging the government to adopt the recommendations. The government announced a list of almost 50 legislative priorities, including on assisted reproduction.



ITALY

In March, the Constitutional Court ruled on two important cases concerning family rights. First, it stated that in the case of two mothers, it amounts to discrimination that the non-gestational mother has to go through stepchild adoption. Second, it established that in the case of children born out of surrogacy, both fathers must duly be recognised as parents to that child. The Court called on the parliament to urgently legislate on the issues and prevent discrimination. The Bari Court of Appeal ruled in the case of two fathers that they should both be recognised in their child's birth certificate as parents. The Supreme Court ruled in the case of a gay couple who adopted their son in the US that they can both be recognised as parents on the child's birth certificate and their son will receive Italian citizenship.



ITALY

In October, a Court in Milan ordered the Mayor to transcribe the birth certificate of the State of Florida featuring two fathers (a US and an Italian citizen). In April, a bill for the regulation of surrogacy was filed in parliament. The bill was drafted by numerous jurists and associations for civil rights and reproductive health. Should the other two bills aiming at making surrogacy a crime, even if carried out abroad, start being discussed, this bill should be discussed too.



KOSOVO

The 2020 draft Civil Code was a great disappointment for civil society, for failing to provide any kind of legal recognition to diverse families. Local civil society organisations have been advocating for an inclusive law for years.

In March, the new government was formed and was immediately urged by LGBTI organisations to respect and protect LGBTI people's human rights. As the new government came into power, the draft Civil Code was submitted for revision. CSGD and Centre for Equality and Liberty (CEL) continued to advocate for the inclusion of marriage equality in the new draft. The Ministry of Justice held several meetings with civil society and pledged to hear out their concerns. In the summer, civil society learned that the new draft law fails to recognise same-sex couples in any way. Civil society harshly criticised the move and called on the EU Office in Kosovo to monitor the process and hold the government to account.





LATVIA

In January, the parliament passed a draft law that plans to restrict the definition of family in the Constitution to effectively block same-sex partnerships and same-sex families. This contravenes international human rights law and European jurisprudence, as well as Latvia's Constitution and the rulings of its Constitutional Court. The LGBTI Intergroup of the European Parliament immediately condemned the move. Latvia is one of only six countries in the EU that provides no recognition of partnership for same-sex couples and while there have been promising developments in the last two years, this vote is a worrying step backwards. The proposed wording of the Constitution would define marriage as a union between a man and a woman, and children's right to "grow up in a family with a mother and a father".





LATVIA

The first initiative to legalise civil partnerships or same-sex marriage was launched in 1997, but all have failed to date. The latest citizens' petition for legal recognition for same-sex couples, launched in January, has collected 23,000 signatures. 155,000 signatures, a tenth of all voters in Latvia, would have to be collected within a year for the amendment to go before the parliament. The parliament could then approve it right away or would have to put it up for a referendum otherwise. Civil society assesses that the chances of reaching this threshold are rather slim. In April, the Constitutional Court declared that regulations requiring same-sex partners to pay a higher inheritance fee on their deceased partner's property, go against the protections awarded for families. The law set out a 60 times higher registration fee for people who are unmarried, placing same-sex couples in a disadvantaged position as marriage equality has not been introduced in Latvia.





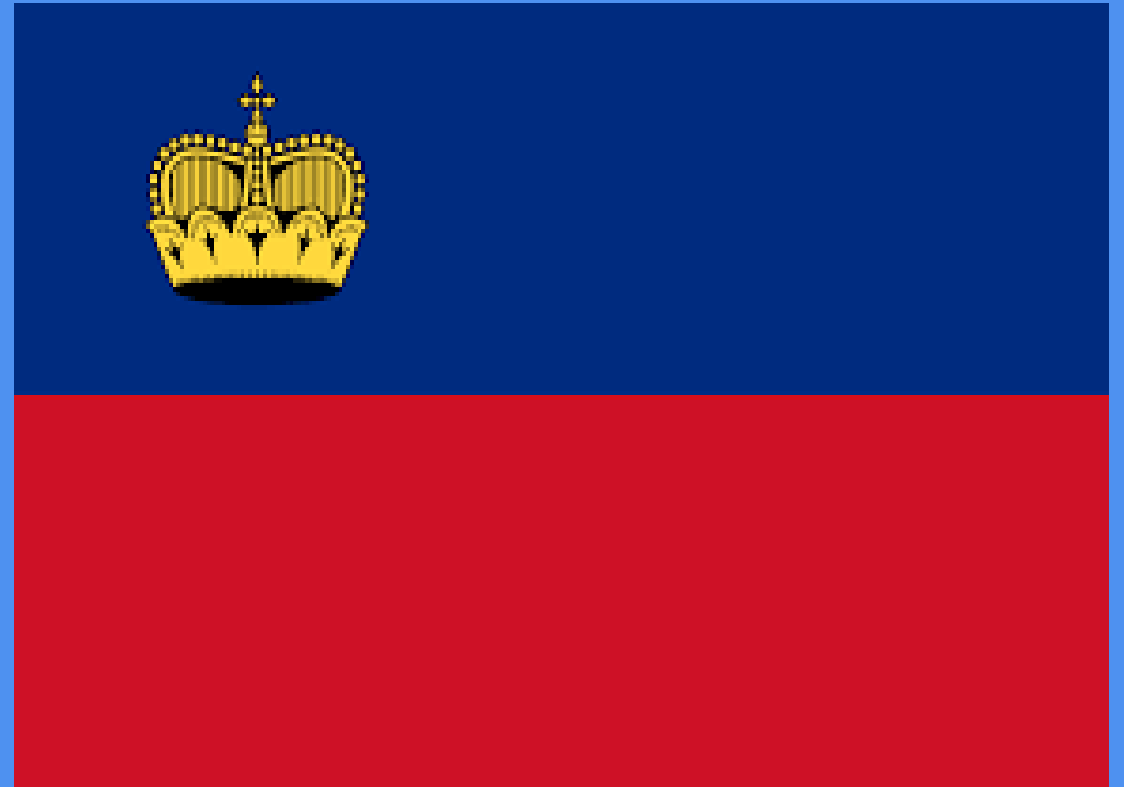
LATVIA

The case was referred to the Court by the Ombudsman's Office in 2020. Currently, three working groups, two in parliament and one at the Ministry of Justice, are preparing proposals to implement two Constitutional Court judgments, including the one from April, on the need to recognise families outside heterosexual marriage. Civil society anticipates progress on this in 2022. In December, the Senate annulled a judgment of the Administrative Regional Court that denied family recognition to a same-sex couple and returned the case back to the Court for reconsideration. The Senate pointed out that same-sex couples are entitled to be recognised as a family, in line with Constitutional Court judgments, until the parliament would decide otherwise and legislate on the issue.



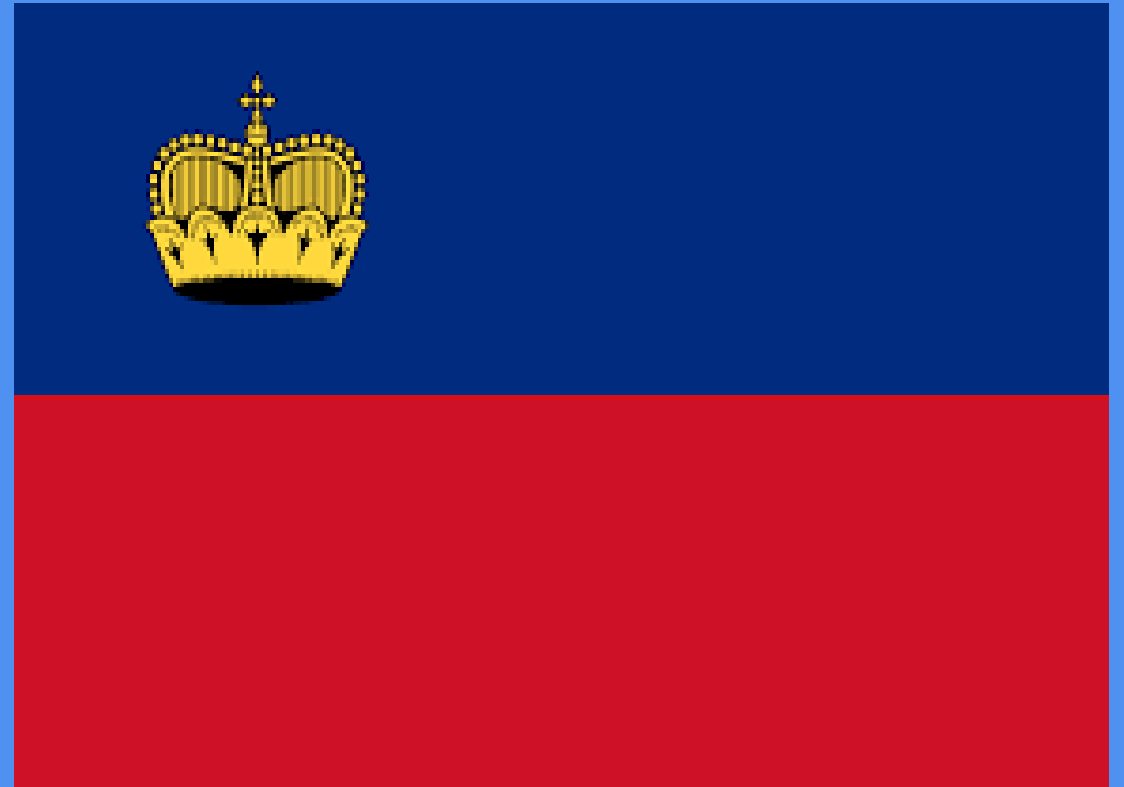
LIECHTENSTEIN

As Switzerland's September referendum ended in a win for marriage equality, debates on the topic continued in Liechtenstein as well. Liechtenstein legalised civil unions back in 2011, but with limited rights, including and in particular in the area of adoption and access to assisted reproduction. Liechtenstein's head of State, Prince Hans-Adam II stated in an interview in February that while same- sex couples should be allowed to marry, adoption should not be legal. The statement was widely criticised, including by LGBTI civil society. In September, the parliament expressed its support for marriage equality, but promised broad public debate before making any legal changes. Two former presidents of NGO Flay are currently serving as MPs and contributed to the positive discussions.



LIECHTENSTEIN

Civil society reports that 23 out of the 25 MPs serving in the parliament support marriage equality. The only party opposing the legal change is Democrats for Liechtenstein. In May, the State Court of Justice repealed Art. 25 of the Partnership Act, which had banned stepchild adoption for same-sex couples. Civil society applauded the ruling but hopes that other limitations on adoption rights for same-sex couples will also be lifted as well. The parliament of Liechtenstein was requested to amend the Partnership Act in line with the State Court's position within the next year.



LITHUANIA

In May, the parliament failed to adopt the Partnership Bill, tabled by the governing coalition, during its first hearing. As only half of MPs present need to vote in favour, the results were promising (63 yes, 58 no, 7 abstentions). 15 ambassadors to Lithuania urged the parliament to adopt the bill. The bill covers inheritance, joint ownership, and several other benefits, but does not discuss adoption rights. While the Prime Minister supported the bill, the President vowed not to sign the bill as long as it interferes with the constitutional concepts of “marriage” and “family”. In September, the first ever high-level conference on same-sex family rights recognition was organised by LGL, the Ministry of Justice, and partners from five EU Member States. In October, Rasa Račienė, a concerned mother of an LGBT person, petitioned President Nausėda to support LGBT people. Nausėda invited her for a meeting and later announced that he will discuss the Partnership Bill only after the positive outcome of the hearing in parliament.



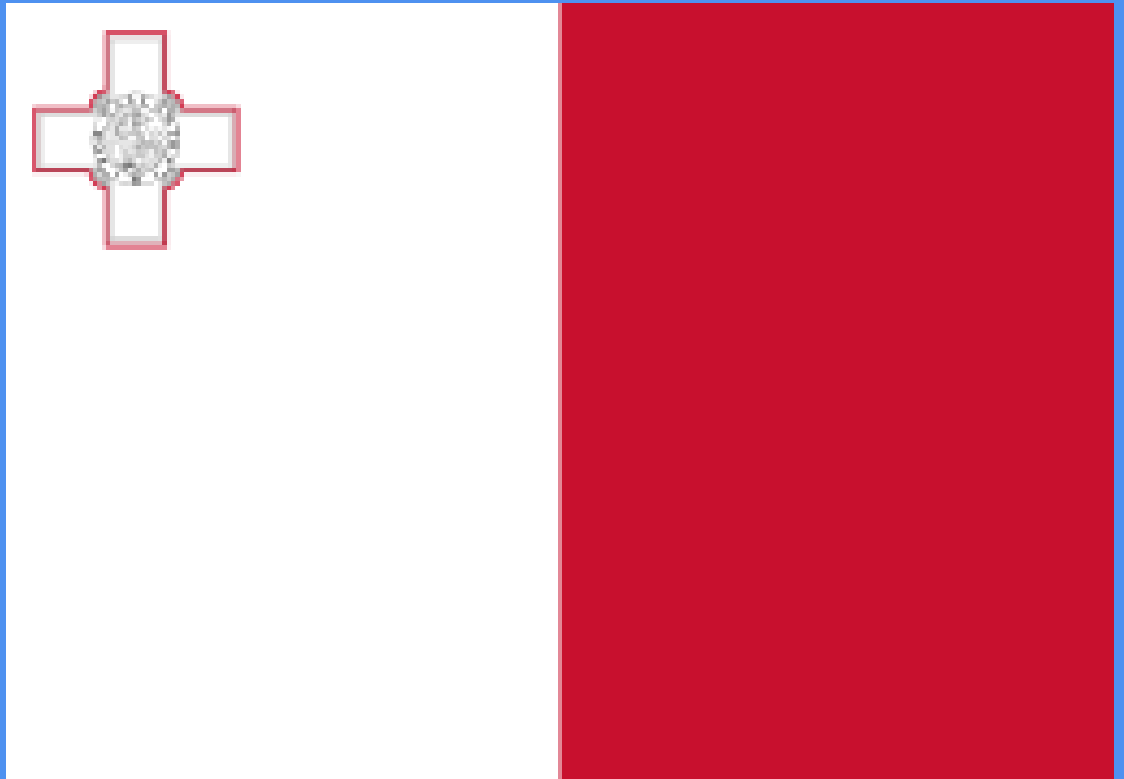
LUXEMBOURG

The Law on Parenting is undergoing review, which has stirred public debate. The draft amendments grant the right to accessing artificial insemination to different and same-sex couples, and single persons, on an equal basis. However, it only gives automatic parenthood recognition to married heterosexual couples. There was a lot of public discussion about the proposed Law 7674 this year, which would set out the right to know one's own biological origin, i.e. whose egg and sperm cells one was conceived from. The law would impact rainbow families as it would force gametes donors to reveal their identity once the child, who was conceived with the help of their genetic material, turns 18. Civil society and a number of rainbow families turned to the Ministry of Justice saying the law is degrading to rainbow families. The law practically bans anonymous gametes donation.



MALTA

Colombia joined Portugal as one of two countries from which Maltese same-sex couples are able to adopt.



MOLDOVA

No significant changes in 2021 for rainbow families.





MONACO

No significant changes in 2021 for rainbow families.



MONTENEGRO

In July, the first ever same-sex partnership was concluded in Montenegro, in the town of Budva. The same-sex partnership law was adopted in 2020, making Montenegro a leader in the region as the first Western Balkans country outside the EU to adopt such legislation. Civil society hopes that all relevant bylaws will be amended speedily, so that the law can be implemented in its entirety. The Law on Social and Children's Protection was amended for instance, but amidst hateful remarks by MPs.





NETHERLANDS

Civil society continued calling for legal recognition for families with more than two parents, included in the new Rainbow Ballot Box Agreement. A court ruling affirmed in June that the right of the child to know about their donor's identity outweighs the donor's choice to be anonymous.



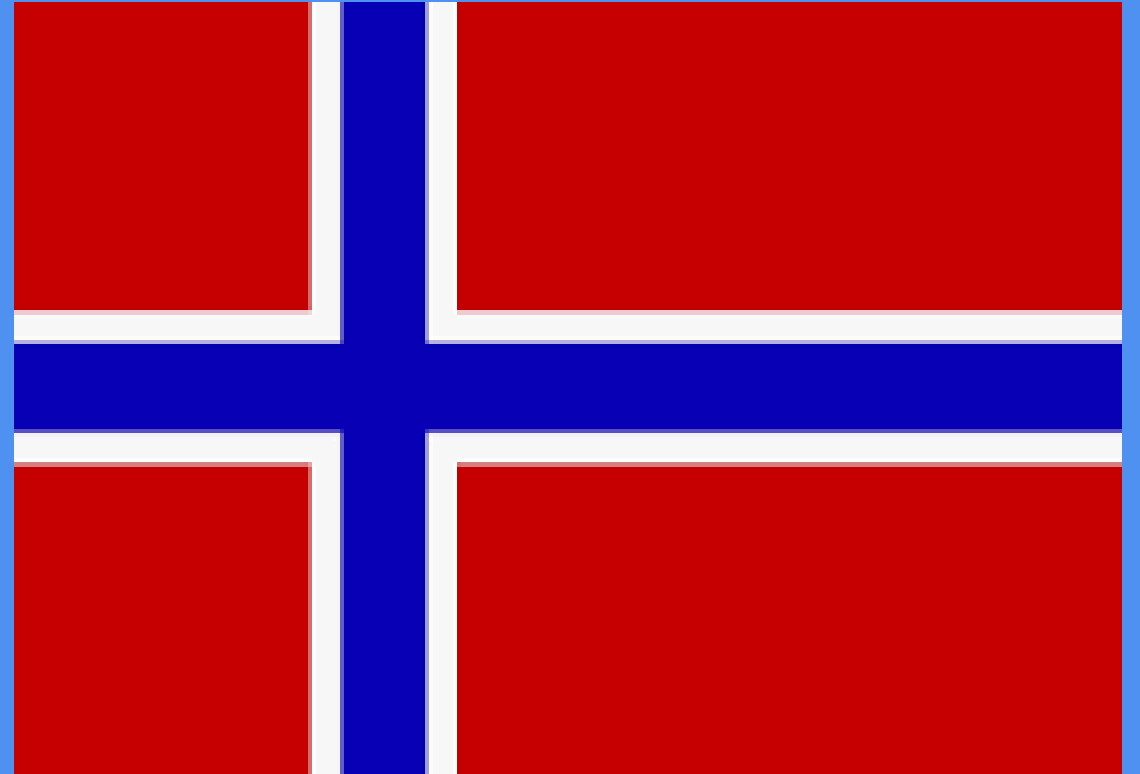
NORTH MACEDONIA

Civil society reported that the Ministry for Labour and Social Policy planned to change the draft National LGBTI Action Plan (2021-2025) by removing plans to legally recognise same-sex partnerships or marriage. No developments have taken place since.



NORWAY

The LGBTIQ* association FRI in Oslo called on the government to ensure that the review of the Children's Act makes it simple for same-sex parents, trans parents, and families with more than two parents to be recognised. It is unclear whether under the new trans healthcare guidelines a trans man with the legal gender of 'man', or non-binary people, would be able to have their gametes frozen, or access IUI or IVF. Practice is that the preservation of gametes is allowed for trans women, but not trans men.





POLAND

In March, the Minister of Justice and Prosecutor Ziobro, announced a draft law that would ban adoption by same-sex couples and place strict scrutiny over single applicants, to make sure they are not actually in a same-sex relationship. In June, the Deputy Minister of Justice talked about plans to ban legal gender recognition. In August, two well-known doctors from Bydgoszcz got “married”, receiving official congratulations from the President of the city, once again inspiring a debate on marriage equality in Poland. In a judgement released in September on the case of X. v Poland, the ECtHR found that refusing a mother custody of her child because of her sexual orientation is discriminatory and a violation of the right to private life. Prosecutor Ziobro requested the annulment of parental rights of a trans man.



PORTUGAL

AMPLOS, the Parents of LGBTIQ* people organisation, published three guides to support families of LGBTIQ* people.





ROMANIA

In March Romanian and regional civil society expressed serious concern about the lack of action from the European Commission since it started a pre-infringement procedure against Romania in 2020, regarding the lack of implementation of the Coman judgement. ACCEPT submitted a new complaint as Romania continues to refuse to acknowledge the judgement. The Commission stated that to start an infringement procedure, it would have to establish a 'general and consistent' non- application of EU legislation, which is difficult. Currently, the ECtHR is assessing the COMAN and Others v. Romania and the A.B. and K.V. v. Romania case, on the same issue.



RUSSIA

In July, the ECtHR ruled in favour of a trans woman in Russia who was denied the right to see her children because of her gender identity and transition. The *A.M. and Others v. Russia* case marks a landmark in the Court's jurisprudence, being the first case where the Court found a violation of the prohibition of discrimination (Art. 14) because of a person's gender identity. In July, the ECtHR delivered also a judgment in the case *Fedotova and Others v Russia* reiterating states' positive obligation to establish a legal framework for the recognition of same-sex unions, to ensure the effective enjoyment of the rights of private and family life under Art. 8. The judgment acknowledged the social reality of same-sex couples' lives in and the conflict the existing legislation creates due to lack of recognition of their relationships: access to rights for a minority cannot be dependent on the acceptance of those by the majority. In February, the Moscow City Court upheld the legality of the police searching the apartment of a rainbow family in July 2020. In September, *Coming Out* filed a complaint to the ECtHR concerning the continued persecution of the family, two fathers and their two children, who have since fled to the US.



SAN MARINO

No significant changes in 2021 for rainbow families.



SERBIA

The Working Group, set up by the Ministry of Human and Minority Rights and Social Dialogue in February, presented a draft Law on Same-Sex Unions in the spring. The Working Group conducted brief public consultation and only met six times. The 2021 draft law establishes different standards for same-sex couples entirely. First, registered partnership could only be dissolved through a public notary, rather than a state registrar, which means same-sex couples would have to pay for this service. Second, same-sex partners would not have the right to maintain personal relations with the child of their former partner. Third, non-registered unions would be regulated differently. An unmarried (hetero) couple is considered after one year to have the same rights as married (hetero) couples if their relationship is deemed more “permanent” (if they want to have a child or buy an apartment).



SERBIA

For same-sex couples this made possible under the draft law, but with a longer waiting period of 3 years. In May, the CoE published a legal opinion on the law, upon the request of the government, and reiterated these concerns, among others. In

May, the Serbian President stated that if the same-sex partnership law were to pass in Parliament, he would veto it.

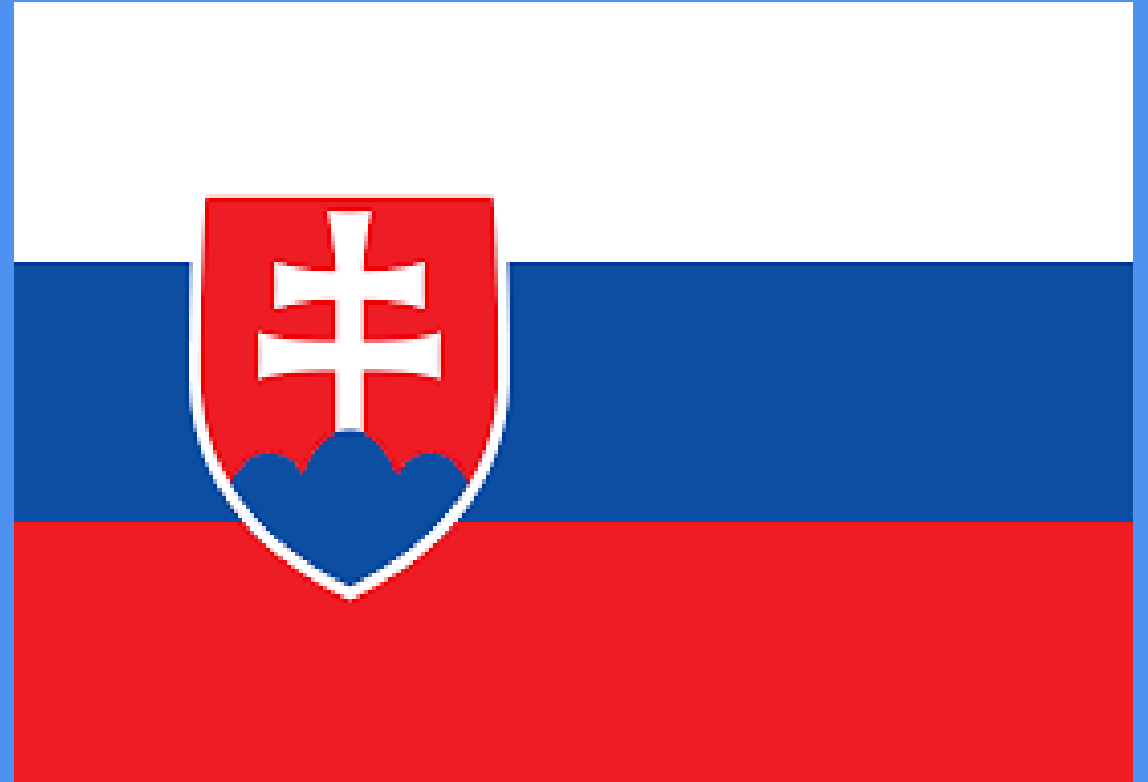
In November, Minister Čović said that the draft law, which includes all comments from the CoE, is ready for adoption by the government. Civil society is concerned however that the draft has not been made public or shared with the Working

Group. In December, Labris held a meeting with Prime Minister Brnabić, who said the law should be adopted in May 2022, after the elections. The Ministry of Health amended the Rulebook on criteria and conditions for donating gametes or embryos, which now allows for LGBTI people to be donor.



SLOVAKIA

In March, 44 MPs supported Constitutional amendments that would define family as a unit of a man/father and a woman/mother, following Hungary's example. Those in support included MPs of ĽSNS, and also 26 members of the government and three MPs of Smer. More than 4,000 professionals, including school psychologists, social workers, and teachers condemned the move. A petition was also launched by parents, family members, and friends of LGBTI+ people, and was signed by almost 10,000 people. President Zuzana Čaputová met with some of the parents and pledged not to sign the law. The Ombudswoman again called for legal recognition for same-sex couples in her IDAHOBIT statement on 17 May and her annual report. Following the new government's 2020 promise to adopt legislation on inheritance and property rights for couples cohabiting and same-sex couples, little to no progress took place this year.



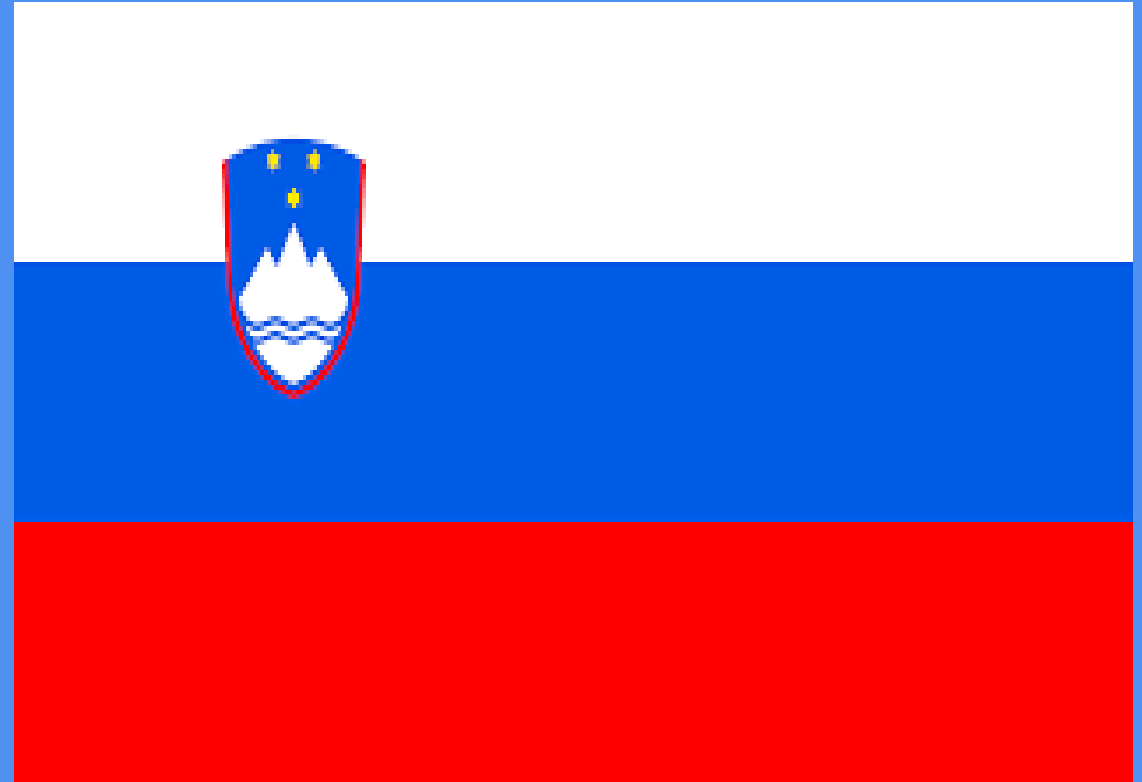
SLOVAKIA

A group of MPs from the governing party Freedom and Solidarity (SaS) planned to publish a draft law in September, but the process was delayed. In the end, opposition MP Tomáš Valášek (Progressive Slovakia) submitted a bill in October, to recognise life partnership for couples of any gender. Only seven MPs supported the proposal, the lowest number in the history of similar proposals.



SLOVENIA

In March, the government and the Legislative and Legal Service of the National Assembly presented their position on family rights issues, stating that the current legislation does not discriminate against same-sex couples in terms of marriage or adoption rights. Civil society responded with criticism.



SPAIN

In November, the Health Ministry extended access to IVF treatments for single, lesbian/bisexual women and trans*.



SWEDEN

In June, the parliament voted on a new law, which will make the presumption of parenthood automatic for all couples who are married and have a child in Sweden, regardless of gender. The law takes effect on January 1, 2022. This is a huge step forward and will stop the current discrimination of trans men who become parents in Sweden. Sweden still differentiates between same-sex and different-sex couples when it comes to parenthood recognition to a child born and registered abroad. An investigation has suggested a new law that would change this for the better if it is adopted. In April, RFSL filed a case to the European Court of Human Rights in the case of UK Swedish lesbian couple, who have struggled to have their parenthood recognised for years. The government commissioned a study this year as part of the investigation into the Family Act to address the situation of children who have more than two important adults in their life. Interviews were conducted with families containing both legal and social parents.



SWITZERLAND

In April, the Federal Supreme Court ruled that non-gestational parents can continue to have visitation rights of their children even after the dissolution of their registered partnership, despite not being legal parents. Same-sex female partners have to go through second parent adoption, which at the earliest could start once a child turned one and could take several years of legal procedure. During this time, non-gestational parents did not enjoy parental rights on paper and their relationship with the child was not protected in the case of a breakup. In September, Switzerland held a referendum on a law granting marriage and full adoption rights to same-sex couples. Almost two-thirds (64%) of voters supported the reform and all 26 cantons voted in favour. The Swiss Civil Code will from July 2022 use the gender-neutral language “the engaged” and “two people”.



SWITZERLAND

In terms of rights, the most important change is that same-sex couples will be able to jointly adopt, and that medically assisted reproduction and sperm donation will be available to same-sex female couples, leading to the gestational mother's spouse being automatically recognised as parent at the birth of their child. The law also allows for same-sex spouses to get expedited residence rights, on an equal basis with heterosexual couples. Surrogacy is banned by the Constitution and therefore not covered in the law. Those in a civil partnership will be able to choose whether to retain that legal status or switch to marriage. The government welcomed the result and the fact that Switzerland became the 17th European country to have marriage equality. In reaction to the vote, two motions were tabled to make sure that "paternity leave" will become gender-neutral "parental leave".



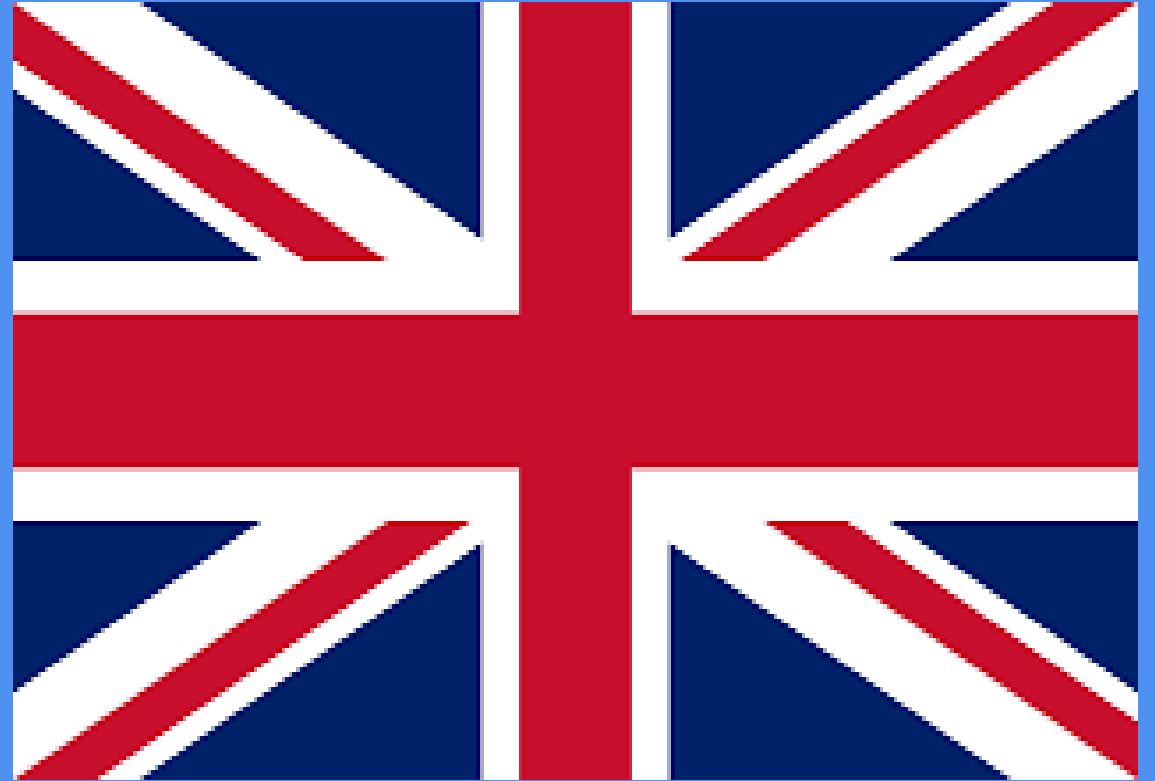
TURKEY

No significant changes in 2021 for rainbow families.



UNITED KINGDOM

In February, the UK parliament tabled a bill on parental leave for Ministers, but the final wording uses the term 'mother' instead of the original 'pregnant people', erasing all pregnant people who do not identify as women.





UKRAINE

The Ombudsperson Lyudmila Denisova's annual report called for legal recognition for same-sex couples. The new Human Rights Action Plan retains legalising civil partnership as a priority. At the same time, the ECtHR will hear the case of a gay Ukrainian couple regarding the lack of legal recognition of same-sex families. The ECtHR will also hear the case of a trans woman who was unable to change her marriage certificate after having changed her legal gender.

