

NELFA ANNUAL REPORT 2023

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Foreword

The year 2023 was a period of significant developments, marked by both challenges and progress in the realm of LGBTIQ* family rights and parenting in Europe. What follows is a short overview of the pivotal moments that have shaped the landscape for rainbow families across the continent.

Challenges and Progress

One of the most alarming trends observed in 2023 was the sharp increase in violence and hate speech against LGBTIQ* individuals. Reports from ILGA-Europe highlighted a worrying rise in anti-LGBTIQ* violence and hate speech, particularly from public figures, underscoring the urgent need for action against this backdrop of hostility. Despite these challenges, there were notable advancements in legal and social recognition for LGBTIQ* families, showcasing the resilience and determination of the community and its allies.

Legislative Advances

Significant strides were made in enhancing legal protections and recognition for rainbow families. For instance, the European Commission's proposal for a Council Regulation on the recognition of parenthood was a landmark step forward. It aims at safeguarding the rights of children in cross-border situations, preventing statelessness, and ensuring the continuity of parental rights and obligations. The EU Parliament has adopted its proposal report in December 2023. Now, it's on the European Council to decide. It can either approve it (in unanimity) or disapprove it.

Furthermore, countries like Spain, Iceland, Finland, Switzerland, and Croatia made commendable progress by introducing laws that significantly improve the rights and recognition of LGBTIQ individuals and families. Spain, for example, introduced comprehensive legislation on legal gender recognition based on self-determination, banned genital mutilations on intersex minors, and prohibited so-called "conversion" practices. Switzerland's legislation on marriage equality came into effect, granting same-sex couples the right to joint adoption and medically assisted insemination. Furthermore, Latvia introduces civil unions for same-sex partners. Marriage equality is reality in Estonia after a final decision of the Riigikogu in May 2023 and the President's signature in June.

International Recognition and Challenges

The ILGA-Europe Rainbow Europe Map and Index of 2023 highlighted the disparities in LGBTIQ* rights across Europe, with Belgium, Denmark, and countries like Spain and Iceland making significant progress, while others like Azerbaijan, Turkey, and Armenia faced ongoing challenges. The persistence of these disparities underscores the importance of continued advocacy and support for LGBTIQ* rights across all European countries.

Looking Forward

As we reflect on the past year, it is clear that the journey towards equality for LGBTIQ* families in Europe is both challenging and rewarding. The progress made in several countries provides hope and a blueprint for future advancements. However, the persistent challenges and opposition faced by the community remind us of the importance of solidarity, resilience, and continued advocacy to ensure that the rights and dignity of all families are recognized and protected.

2023 was a year of significant developments for LGBTIQ* family rights in Europe, characterized by both progress and challenges. As we move forward, it is crucial to build on the achievements and address the obstacles to create a more inclusive and equitable society for all families.

Featured Topic: Cross-Border Recognition of Parenthood

Introduction: The Challenges of Cross-Border Recognition

Cross-border recognition of parenthood presents a complex web of legal, social, and emotional challenges for LGBTIQ* families living and moving within the European Union. The lack of a harmonized approach across member states means that the familial ties and parental rights recognized in one country can be completely disregarded in another. This disparity leads to a plethora of issues, including legal uncertainties, barriers to free movement, and the potential for children to face statelessness or loss of parental care in cross-border situations. Such challenges underscore the urgent need for cohesive policies that acknowledge and protect the diversity of family structures in today's Europe.

Recent Developments

In December 2022, the European Commission took a significant step forward by proposing a Council Regulation aimed at enhancing the cross-border recognition of parenthood. This initiative seeks to address the legal limbo many rainbow families face when moving between EU countries. The proposal represents a crucial development in the EU's approach to family rights, signaling a potential shift towards more inclusive and uniform legal recognition across member states.

NELFA's Involvement

NELFA, alongside ILGA-Europe, has been at the forefront of advocacy efforts to push for comprehensive and inclusive legislation. Throughout 2023, NELFA engaged in a series of strategic dialogues with representatives from the EU Parliament, offering insights, sharing the lived experiences of LGBTIQ* families, and emphasizing the necessity of legal reforms. The development of a position paper by NELFA further illustrates the organization's commitment to influencing policy. This document, grounded in research and community feedback, outlines key recommendations and

serves as a critical tool in advocacy efforts. Furthermore, NELFA's participation in discussions hosted by COFACE Families Europe highlights its role as a pivotal voice in broader family rights discourse within the EU.

What Can We Expect in the Future

Looking ahead, the landscape for cross-border recognition of parenthood within the EU appears poised for change. The ongoing deliberations among Member States and the active involvement of advocacy groups like NELFA suggest a growing acknowledgment of the need for legislative evolution. As the EU strives to uphold its values of equality and non-discrimination, the push for a harmonized legal framework that respects and protects all families, regardless of their makeup, becomes increasingly pertinent.

The forthcoming period will likely witness continued advocacy, negotiation, and hopefully, the adoption of more inclusive policies. NELFA, with its unwavering commitment to the rights of LGBTIQ* families, will undoubtedly continue to play a critical role in shaping these developments. The ultimate goal remains clear: to ensure that every family, regardless of where they come from or how they are formed, is recognized and respected across borders, guaranteeing their rights and the well-being of their children.

The NELFA Board

NELFA currently represents 48 associations (January 2024) representing 34 European countries. The board currently consists of eleven members hailing from France, Spain (2x), Italy, the Netherlands, Poland, Slovenia, Croatia, Malta, and Germany (2x). Our Board member from Norway (FRI Oslo) had to step back during the recent term due to personal reasons. NELFA thanks for his commitment.

During 2023 the Board decided to alternate between full board meetings and executive board meetings (president, vice-president, treasurer and secretary), to make the board meetings more operational. Executive board meetings were open to all interested board members, but their attendance wasn't expected. The board meetings were held on the following dates:

29.3.2023, 26.4.2023 (Exec. Board meeting), 31.5.2023, 29.6.2023 (Exec. Board meeting), 6.9.2023, 16.10.2023 (Exec. Board meeting), 8.11.2023, 13.12.2023 (Exec. Board meeting), 10.1.2024, 7.2.2024 (Exec. Board meeting) and 6.3.2024.

NELFA 2023 General Overview

New Leadership and Strategic Vision

The election of a diverse new Board at the Annual General Meeting in Madrid heralded a new era for NELFA. Emphasizing a broad representation, the Board's composition reflects a deep understanding of the varied experiences and challenges within LGBTIQ* families across Europe. The "Families & Borders" conference, accompanying the AGM, shed light on the complexities of cross-border parenthood recognition, with valuable insights from Spain, the Netherlands, and Finland, showcasing NELFA's commitment to the nuanced needs of transnational LGBTIQ* families.

Advocacy at the European Level

In 2023, NELFA's advocacy focused on the EU's cross-border recognition of parenthood, following the European Commission's December 2022 proposal. Engaging in dialogues with EU Parliament representatives and partnering with ILGA-Europe, NELFA proactively contributed to shaping policies through position papers and participation in forums like COFACE Families Europe. These efforts underscore NELFA's dedication to enhancing EU policies for LGBTIQ* family support.

Celebrating Family Equality

The International Family Equality Day (IFED) 2023 in Mannheim, Germany, under the theme "Power Up Families," was a significant event that embodied NELFA's vision of community and empowerment. Drawing over 300 participants, the event featured informative sessions, a grand picnic, and performances, celebrating the diversity and resilience of rainbow families. The announcement of the next year's motto, "WE ARE FAMILY!" sets an optimistic tone for future advocacy.

Expanding the Network

NELFA's network expanded with the inclusion of "Dúhové Rodiny" from Slovakia and „Labris“ from Serbia, enhancing the organization's reach and influence across Europe, particularly in Eastern regions. This growth introduces fresh perspectives and supports NELFA's mission to advocate and provide for LGBTIQ* families, demonstrating the network's adaptability and commitment to diversity.

Visibility and Awareness Raising

NELFA's participation in major LGBTIQ* events like Europride in Valletta and the ILGA-Europe Annual Conference in Ljubljana reinforced its advocacy for LGBTIQ* family rights. These platforms enabled NELFA to raise awareness, share achievements, and strengthen collaborations, vital for fostering a supportive environment for LGBTIQ* families and enhancing their visibility and recognition at both European and global levels.

NELFA Activities in 2023

In 2023, we continued our dedicated work to support and advocate for the rights of rainbow families across Europe. Through a series of strategic engagements, campaigns, and collaborative efforts, NELFA addressed pressing issues, legal challenges, and societal injustices faced by LGBTIQ* families. This chapter highlights some of the key activities and milestones that defined NELFA's work throughout the year.

Keynote on Legal Challenges: Sofia, 28 March 2023

NELFA President Björn Sieverding, representing LSVD, delivered a compelling keynote speech at the "International Legal LGBT Webinar" in Sofia, organized by member organization Deystvie. The focus was on the intricate cross-border problems that rainbow families encounter, particularly spotlighted by the Baby Sara case. This case, involving the rejection of a Bulgarian birth certificate for a child of

two mothers, underscored the legal discrepancies within the EU affecting LGBTIQ* families. Deystvie's campaigns highlighted this injustice, rallying support and awareness.

Advancing LGBTQ Equality Strategy: Stockholm, 12 April 2023

In a high-level conference hosted by the Swedish Presidency of the Council of the European Union, NELFA, represented by former Board member Jesús Santos Homobono from Galehi, engaged in discussions on the progress of the LGBTQ Equality Strategy 2020-2025. This event underscored the European Commission's commitment to advancing LGBTIQ* rights and solicited feedback for a mid-term review, aligning closely with NELFA's objectives.

Combating Institutional Hate Speech: Madrid, 25 April 2023

NELFA united with Spanish LGBTIQ* organizations to address "institutional hate speech" targeting children born through surrogacy and their parents. This comunicado challenged the derogatory rhetoric emanating from political and media figures, expressing solidarity with same-sex parents in Italy, Hungary, and beyond who face similar discriminatory challenges.

Legal Reform Advocacy: Berlin, 05 May 2023

In Germany, NELFA joined forces with over 30 organizations to press for reforms in the law on descent, presenting "Leitplanken" (guidelines) to Parliament's Vice President. This collective action underscored the urgency of legal reform to address the rights and recognition of rainbow families.

Webinar Participation on EU Proposals: Luxembourg, 17 May 2023

NELFA Board member Sara del Olmo (Galehi) contributed to a webinar by EAPIL, focusing on the mutual recognition of decisions under the EU proposal related to parenthood. This participation highlighted NELFA's active role in shaping policies to facilitate cross-border movement for LGBTIQ* families without losing legal ties.

Addressing Statelessness: Madrid, 8-9 June 2023

At the "Addressing statelessness in Europe" conference, NELFA shared insights into how statelessness affects children in rainbow families, with the Baby Sara case serving as a poignant example. This engagement emphasized the intersectionality of statelessness and LGBTIQ* rights.

Solidarity with Italian Rainbow Families: Padua, 20 June 2023

NELFA responded to alarming developments in Italy, where attempts were made to alter birth certificates of children with two mothers. This situation prompted a widespread call for solidarity and action, including a petition to uphold rainbow family rights amidst increasing legislative hostility.

Engaging with COFACE Families Europe: Brussels, 28 June 2023

NELFA participated in discussions with COFACE Families Europe on the European Commission's proposal to harmonize rules relating to parenthood at the EU level. President Björn Sieverding's presentation contributed to a nuanced debate on legal challenges and proposed solutions, focusing on the child's best interests and rights.

NELFA Position paper on parenthood recognition in the EU: August 2023

NELFA supports the EU proposal for cross-border recognition of parenthood, emphasizing child protection regardless of parental conditions. It aligns with expert recommendations for legal practitioner training and includes surrogate-born children. The proposal seeks mutual recognition of

familial ties without altering national family laws. NELFA stresses the proposal's child-focused nature, aiming to ensure children's rights and identities without mandating marriage equality or same-sex adoption nationally. The statement also addresses concerns about surrogacy, advocating for all children's rights regardless of parental choices, referencing ECtHR judgments supporting the child's best interests and legal parent-child recognition.

EuroPride Valletta 2023: Malta, 15 September

NELFA participated in EuroPride Valletta 2023, notably engaging in a panel discussion focused on the cross-border situation of rainbow families and the EU proposal on parenthood recognition. This involvement highlights NELFA's continued commitment to addressing the legal and social challenges faced by LGBTIQ* families across Europe.

"Orphaned by Decree" Webinar: 11 October

NELFA hosted a webinar titled "Orphaned by Decree," addressing the troubling situation in Italy where children have lost legal familial ties to one of their mothers. This event reflects NELFA's dedication to raising awareness and advocating for the rights of rainbow families affected by discriminatory policies.

Social Rights Discussion with Families Europe: October, Madrid

NELFA's Board member, Sara de Olmo, participated in a discussion in Madrid on making social rights accessible to all families. This event, organized by Families Europe, included discussions on the EU's parenthood proposal, underscoring NELFA's engagement in broad-based advocacy for inclusive family rights.

ILGA-Europe Annual Conference 2023 in Ljubljana

NELFA contributed to the ILGA-Europe Conference in Ljubljana, where it co-organized a workshop titled "Rights and Resilience: Rainbow Families in Europe." The workshop aimed to address attacks on LGBTIQ* parents and their children in various European countries, showcasing NELFA's role in fostering dialogue and seeking solutions to protect and empower rainbow families.

Joint statement on human rights violations in Italy - November 20 (UN World Children's Day)

The joint statement highlights serious human rights violations in Italy, particularly against LGBTIQ* families. It reports on instances where children's birth certificates listing two mothers were deemed illegitimate, with hearings potentially leading to the erasure of non-biological mothers' legal motherhood. This situation underscores the absence of national laws recognizing same-sex couples' children, leading to significant negative impacts on families' well-being. The statement condemns these actions, urging legal protections to ensure all children's rights to parent recognition and calls for the Italian government to halt anti-LGBTIQ* actions.

Marriage Equality in Greece

NELFA's board member Eleni Maravelia played a significant role concerning the advancement of marriage equality in Greece, reflecting our organization's influence and advocacy efforts across Europe to ensure legal recognition and equality for LGBTIQ* families and their rights.

Initiative on multi-parenting in the Netherlands and Germany

NELFA President Björn Sieverding and Board member Christian Gladel cooperated with LSVD, Meer Dan Gewenst and the Dutch embassy to create a forum on multi-parenting. The expert meeting is

planned for 11th of April 2024 with high-level stakeholders. In the meantime, NELFA's member organisation LGBT komiteen in Denmark issued a presentation on legal multi-parenting options.

CONCLUSION: Going Forward

As we conclude 2023 NELFA reflects on a year of both triumph and challenge. We've seen remarkable progress in the recognition and protection of LGBTIQ* family rights within the European Union. However, the journey toward full equality and acceptance for LGBTIQ* families is far from over. Despite advancements, cross-border recognition of parenthood remains a complex issue, fraught with legal hurdles that demand our continuous attention and advocacy.

The challenges are particularly pronounced in Eastern Europe and non-EU countries, where societal and legislative support for LGBTIQ* families often lags. It is here that NELFA's mission becomes even more critical, as we aim to bolster support, share resources, and extend solidarity to organizations and families navigating these complexities.

Yet, even in Western Europe, where progress is more evident, the rise of far-right parties poses a significant threat to our community's hard-won gains. Discrimination and hate speech against LGBTIQ* individuals and families persist, reminding us of the importance of our advocacy, education, and community-building efforts.

Looking forward, NELFA is committed to tackling these challenges head-on. Our strategic initiatives for the coming years focus on enhancing the legal frameworks that govern LGBTIQ* family rights, not just within individual states but across borders. We will intensify our lobbying efforts at the EU level, advocating for comprehensive legislation that facilitates the free movement of LGBTIQ* families, ensuring their recognition and rights are preserved irrespective of national boundaries.

Furthermore, we recognize the critical need for community support and education to combat discrimination and foster inclusivity. NELFA plans to expand its educational programs, targeting both the general public and specific stakeholders like policymakers, educators, and healthcare providers. Through these initiatives, we aim to cultivate a deeper understanding of LGBTIQ* family issues, challenge prevailing prejudices, and advocate for a society where all families, regardless of their configuration, are valued and protected.

In solidarity with our members, partners, and the broader LGBTIQ* community, NELFA envisions a future where love, not law, defines family. Our work in 2024 and beyond will be guided by this vision, as we strive to ensure that every child and every parent in our diverse community enjoys the full spectrum of rights and recognition they rightfully deserve.

Together, we move forward with resilience, hope, and unwavering determination to achieve a more inclusive, equitable world for LGBTIQ* families. The path ahead is fraught with challenges but united in our cause, we are more than capable of overcoming them, ensuring that the legacy we leave for future generations is one of love, acceptance, and equality.