



NELFA Press Release, 5 April 2016

Victory for rainbow families: The Naples, Italy, Court of Appeal orders full recognition of two second-parent adoptions

The Court of Appeal of the Italian city of Naples today ordered full recognition of two second-parent adoption orders by the Court of Lille (France) in favour of a French-Italian family residing in the Province of Avellino. One of the mothers, Giuseppina La Delfa, is the founder and former president of Famiglie Arcobaleno, the Italian rainbow family association, and a NELFA board member.

The mayors of Santo Stefano del Sole and of Serino (both in the Campania region, of which Naples is the capital), acting in their capacity as civil status registrars, refused to update the birth certificates of the couple's children. The reason for denying recognition relates to their sexual orientation, the parents being two mothers and the adoption depending on their married status. The Italian administrations objected that recognising the effects of those adoptions would be tantamount to recognising the women's marriage. Yet the Court of Appeal of Naples already adjudicated the case on marriage recognition last year, holding that Italy is bound to recognise the French marriage.

"Last year the judges essentially affirmed that Italy can't take away fundamental rights such as the right to marry granted by a EU Member State from their citizens just because Italy fails to protect its own same-gender couples," says Alexander Schuster, the lawyer representing the couple in both proceedings and a member of ECSOL, the European Commission on Sexual Orientation Law (www.sexualorientationlaw.eu). He adds that "the Court of Appeal now reinforces its view that there is 'portability of civil status' within the European Union: it applies to marriage of EU citizens and it applies equally to adoption orders and parent-child relationships". The judgement takes effect immediately but is not final and the Italian State may appeal to the Supreme Court.

Giuseppina La Delfa, Board Member of NELFA, says, "Now it's decided: Italy has to transcribe the adoption of my two children. It was a long fight, but we finally won and the mayors must reimburse us more than 5,000 euros in judicial expenses."

Maria von Kaenel, President of NELFA, adds, "This important decision of the Naples Court of Appeal shows that the fundamental rights of rainbow families in one European country have to be respected in the other European countries. And: For the first time in civil status issues involving same-sex couples, civil servants have to pay for the troubles and costs of judicial proceedings they wilfully caused. This will warn others against acting in a discriminatory way against rainbow families."

About NELFA:

NELFA is the European platform of LGBTIQ* Families Associations, bringing together LGBTIQ* parents and parents-to-be from all over Europe. NELFA currently represents 26 organisations in 18 European countries with more than 25,500 members. NELFA is a member of ILGA-Europe and Transgender Europe (TGEU).

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Our leaflet: <http://www.nelfa.org/index.php/nelfa-aisbl-leaflet>

International Family Equality Day (IFED): www.internationalfamilyequalityday.org

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