



**Tiedote**  
Helsinki, 24. syyskuuta 2013

**Nelfa komissaari *Viviane Redingille* Helsingissä 24.9.2013:  
- Sateenkaariperheiden lasten ei tulisi menettää vanhempiaan ylittäessään jäsenvaltioiden rajoja. Te voitte muuttaa asian!**

Eurooppalaisten sateenkaariperhejärjestöjen kattojärjestön Nelfan varapuheenjohtaja *Juha Jämsä* ojensi Helsingissä tänään, 24. syyskuuta komissaari *Viviane Redingille* järjestön kaikkien 21 jäsenjärjestön allekirjoittaman vetoomuksen, jossa pyydetään komissaaria käymään toimeen vapaan liikkuvuuden takaamiseksi myös sateenkaariperheiden lapsille ja vanhemmille Euroopan Unionin alueella.



Nelfan puheenjohtaja *Catalina Pallàs* sanoi, "Tämän päivän Euroopan Unionissa osa lapsista saattaa menettää juridisen vanhempansa kun perhe ylittää rajan sellaisesta jäsenmaasta, jossa on tasa-arvoinen avioliitto- ja perhelainsäädäntö, sellaiseen maahan, jossa näitä perusoikeuksia ei ole. Miten voi olla mahdollista, että jotkin lapset joutuvat elämään sellaisessa juridisen epävarmuuden tilassa, että heillä on joissain maissa kaksi juridista vanhempaa, ja joissain toisissa vain yksi tai ei yhtään?"

Varapuheenjohtaja *Juha Jämsä* lisäsi, "Olemme huolissamme siitä, että nykyinen asiointi on luonut Euroopan Unioniin toisen luokan lapsi-kansalaisten joukon, vain siksi, että he sattuvat elämään sateenkaariperheessä."

Vetoomuksessa Nelfan jäsenet pyytävät komissaari *Redingiä* tekemään lakialoitteen, joka turvaisi sateenkaariperheiden lasten yhdenvertaisen kohtelun Euroopan Unionissa. Tämä voidaan saavuttaa muiden jäsenmaiden virallisesti suorittamien juridisten toimien, kuten avioliittojen, adoptioiden ja syntymätodistusten automaattisena tunnustamisena kaikissa muissa jäsenmaissa.

Nelfa kutsuu komissaari *Redingiä* ottamaan selkeä kanta sateenkaariperheiden lasten puolesta ja ryhtymään toimeen.

Belgiassa asuva portugalilainen sateenkaariperheen isä *Luis Amorim* sanoi, "Uudistus mahdollistaisi sen, että lapsella, jolla on kaksi isää Belgiassa, voisi edelleen 'olla' heidät, jos perhe päättää muuttaa Puolaan. Samoin espanjalaisella lapsella, jolla on kaksi äitiä Espanjassa, voisi edelleen 'olla' heidät,



kun perhe lomailee Italiassa. On melko ilmeistä, että lapsella tulisi olla oikeus omaan perheeseensä huolimatta perheen asuinpaikasta."

*Lisätietoja:*

*Juha Jämsä, varapuheenjohtaja: +358 44 997 1956 (English, Finnish)*

*Luis Amorim, hallituksen jäsen: +32 473 76 50 70 (English, French, Spanish, Portuguese)*

**Komissaari Reding vastaanotti vetoituksen Vanhalla Ylioppilastalolla, Helsingissä järjestettävässä keskustelutilaisuudessa ti 24.9. kello 10-12.**

[Lehdistötiedote kokonaisuudessaan \(suomeksi\) >>](#)

[Lehdistötiedote kokonaisuudessaan \(englanniksi\) >>](#)

[Vetoamus kokonaisuudessaan \(englanniksi, iso tiedosto\) >>](#)

[Nelfan varapuheenjohtajan Juha Jämsän puheenvuoro luovutustilaisuudessa >>](#)

*Liitteet:*

*Liite 1: 4 real-life cases involving LGBT families with children in the E.U.*

*Liite 2: About the Network of European LGBT Families Associations (NELFA)*



## Enclosure 1

### REAL LIVES – REAL FAMILIES – REAL CHILDREN

#### Case 1

Current country: **Germany**  
Civil status: Civil partnership  
Children: Yes

J. and H. are two women in a civil partnership from the **UNITED KINGDOM**. They are both **UK** nationals. J. is employed by the British Army and currently posted in **GERMANY**. She is the biological mother of W., born in 2011 in Germany, and H. is named on their son's birth certificate as his other legal parent.

Months after W's birth, J. and H. applied for kindergarten - something all couples with children in the British Army obtain from the German administration. The application was made in H's name, since J cannot claim the benefit being in the army.

Their application was refused on the grounds that J. and H. are not married, and the administration do not recognise J. and H. as spouses (same-sex marriage is not possible in Germany).

When motivating their refusal, the German authorities stated that "W. is neither H's biological child nor can he be considered a stepchild". In effect, this means W. is in a legal limbo, which prevents him from going to kindergarten.

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#### Case 2

Current country: **France**  
Civil status: Civil partnership  
Children: Yes

T. is a **FINNISH** national. She lives in **FRANCE** with her female partner, a **FRENCH** national. T. and her partner are in a **FRENCH** civil partnership (PACS) since 2004. They have two children, born in 2000 and 2006 in **FRANCE**.

Since T. is their biological mother and France doesn't recognise her partner as the other parent, the two children are Finnish nationals.



To obtain joint parental authority until their majority, T. and her partner had to go through a court decision. But this legal guardianship prevents their children from inheriting from T's partner, using her surname, and obtaining her French citizenship.

Should T. die while the children are minors, her partner's guardianship will end automatically, the children would be considered orphans and a judge would decide whether or not her partner may adopt them.

The guardianship may also end before their majority on either T. or her partner's unilateral request, and possibly counter to the children's best interests. The children are thus not guaranteed to keep contact with both their parents, nor to receive financial assistance from them both before they turn 18.

While second-parent adoption is possible under Finnish law, Finnish courts refuse recognising T.'s partnership because French partnerships differ substantially from Finland's.

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### **Case 3**

Current country: **Belgium**

Civil status: **Married**

Children: **Yes**

L. and J. are two married men; L. is a **PORTUGUESE** national, J. a **SWEDISH** national. They live together in **BELGIUM**. They adopted their daughter G., born in the **UNITED STATES** in 2005. Both men are recognised as the legal fathers of their daughter by both Belgian and Swedish authorities. Their daughter has a Swedish passport, as well as a Belgian ID card.

When L. inquired in 2007 about the possibility for their daughter to obtain Portuguese nationality, the Portuguese consulate in Belgium stated that since G. had two legal fathers, it would not be possible for them to recognise the adoption.

Consulate officials were not able to clarify what would be G.'s legal status while in Portugal. The family spends holidays in Portugal on a regular basis and the lack of certainty as to the legal status is of particular concern to G.'s parents.

G. has thus two legal fathers in her country of residence (Belgium) and in one of her legal fathers' country of origin (Sweden). However, her legal status is unclear in her other legal father's country (Portugal).

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#### **Case 4**

Current country: **Spain**  
Civil status: **Married**  
Children: **Yes**

R. is a **SPANISH** national and L. is an **ITALIAN** national. The two women live together in **SPAIN** with one son, T., born in Spain in 2011 via medically assisted reproduction (MAR) techniques. L. provided the egg and R. carried the baby. The two women used an anonymous donor. Their son was automatically given Spanish nationality and recognised by Spanish authorities as having two legal mothers.

Following T's birth, his mothers requested Italian nationality for him via the Italian consulate in Spain. In September 2012, after several documents being requested and provided, the Italian consulate informed R. and L. that their request had been refused by Turin's Registrar of Births, based on the legal opinion of the Italian Public Prosecutor's Office. They argued that (a) MAR techniques can only be used by heterosexual couples; (b) only the woman who gave birth to the child can be considered his mother, and (c) the fact that T. has two mothers goes against Italian public policy.

Therefore while in Spain, T. has two legal mothers, but only one legal mother in Italy (his Spanish mother). Moreover, T. is not eligible to obtain Italian nationality, despite one of his two legal mothers being an Italian national herself.

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## Enclosure 2

The **Network of European LGBT Families Associations (NELFA)** is the only European platform bringing together LGBT parents and their families.

NELFA represents 14 European countries (13 E.U. Member States + Switzerland).

Our members are present in the following countries: Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

**NELFA represents at European level 21 national organisations, together representing more than 10.000 individuals, of which 3.500 are LGBT families with children.** NELFA is a member of ILGA-EUROPE (<http://www.ilga-europe.org/>).

NELFA's Facebook page: [www.facebook.com/nelfa.aisbl](http://www.facebook.com/nelfa.aisbl)

### **The Board of NELFA is composed of:**

**President:** *Catalina PALLÀS* – member of *FLG-Associació de Famílies Lesbianes i Gais* (Spain)

**Vice-president:** *Juha JÄMSÄ* – member of *Sateenkaariperheet* (Finland)

**Secretary:** *Angelo BERBOTTO* – member of *Famiglie Arcobaleno* (Italy)

**Treasurer:** *Luís AMORIM* – member of *Associação ILGA Portugal* (Portugal)

**Board Member:** *Anne-Marie THUS* – member of *Stichting Meer Dan Gewenst* (Netherlands)

**Board Member:** *Lisa GREEN* – member of *Lesben- und Schwulenverband in Deutschland (LSVD) e.V.* (Germany)

**Board Member:** *Konstantina KOSMIDOU* – member of *Omofolofiliki kai Lesviaki Koinotita Elladas – OLKE* (Greece)