

Advancing LGBTIQ+ Equality in Europe.

The Role of Equality Bodies in **Family Life**

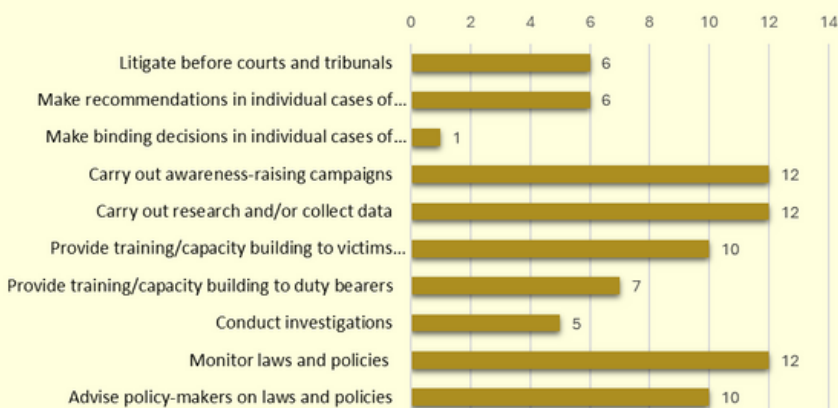


State of Play

LGBTIQ+ persons face several obstacles in the enjoyment of their right to marry and to family life. These include the **lack of recognition of same-sex couples** through marriage or registered/civil partnerships in the national legal framework, the impossibility for same-sex couples, singles, or trans persons to access **parenthood** (through, for instance, assisted reproductive technologies), the **non-recognition of parental ties** as well as kinship documents, such as birth certificates, not being in accordance with the parent's (change of) gender marker and/or name. An additional level of complexity occurs for **LGBTIQ+ individuals and their families when they move across borders**.

While these issues are addressed by EU legislation and case law in the area of employment and free movement rights, other areas of life remain uncovered. In 2022, the European Commission adopted a proposal for a Council Regulation aiming at harmonising the rules of mutual recognition of parenthood across the EU, which however remains to be adopted. Apart from that, the European Court of Human Rights clarified several State obligations concerning the rights of same-sex couples and trans parenthood in its case law.

Equality Bodies in Actions Family Life



While EU legislation does not require National Equality Bodies to have a mandate covering family life, out of the 28 Equinet Members surveyed **20** reported having **some form of experience in addressing discrimination and promoting equality for LGBTIQ+ persons in the field of family life**.

Good Practices

When a new online marriage registration service excluded same-sex couples, for which the “life partnership” is the only legal framework available, the **Gender Equality Ombudsperson in Croatia** intervened to address this discrimination. The Ombudsperson issued a recommendation for an online life partnership registration service, which was promptly implemented by the Ministry of Administration.

The **Commissioner for Human Rights of the Republic of Poland** intervened in a court case involving the invalidation of a birth certificate for a child of two mothers, arguing that maintaining the certificate was essential for the child's access to medical treatment, ultimately resulting in a court ruling to uphold the birth certificate in 2023.