

ILGA-Europe's key demands to advance the recognition of diverse families

Position

ILGA-Europe strives for the elimination of discrimination in law, policies and practices relating to any form of partnership or parenting (including marriage, partnership, reproductive rights, adoption and parental responsibility). In particular, the elimination of restrictions on the rights and responsibilities of parents based on sexual orientation, gender identity and gender expression. Furthermore, the "right to family life" - the right to found a family and for that family to be validated and recognised as a family in law and social policy - must not be dependent on the legal status of marriage or partnership but on the recognition of de facto family links. Most importantly, the rights of the child are at the core and guiding ILGA-Europe's demands for recognition of diverse families.

Demands

In relation to **partnerships**, ILGA-Europe calls for:

- The removal of all discrimination on grounds of sexual orientation, gender identity or gender expression in national laws governing marriage and any other form of legally recognised partnership and the opening of marriage to same-sex partners.
- The choice of other forms of legal recognition of partnership, including the possibility for two persons of the same-sex to obtain the same legal status, rights and responsibilities as people of different sex.
- The ending of any remaining restrictions on transgender marriage.¹
- The ending of any obligation on transgender people to divorce existing spouses as a precondition for legal recognition of the person's gender identity.

In relation to **parenting**, ILGA-Europe calls for:

- The elimination of restrictions on the rights and responsibilities of parents based on sexual orientation, gender identity and gender expression.
- Provisions to protect the rights of children with lesbian, gay, bisexual and transgender parents and to enable the legal recognition of all of their parents.
- Laws and policies on adoption that are based on the needs and rights of children, and the suitability of prospective adopters to parent, and which allow adoption by same-sex and unmarried couples
- The ending of discrimination in access to fertility treatment and assisted reproduction.
- The ending of requirements for transgender people to accept forced infertility or gender reassignment surgery as part of the gender recognition process.

In relation to **children and other family members**, ILGA-Europe calls for:

- In all new laws and policies, as well as the revision of existing measures, an inclusive definition of the family should be adopted. These should be based on the social and emotional reality of family ties.

¹ Following the decision in *Goodwin v. UK*, 11 July 2002 (application no. 28957/95) all states in the Council of Europe are now under a duty to remove any legal impediments to transgender people getting married.

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- All measures to be guided by the best interests of the child and the protection against discrimination based on the sexual orientation, gender identity or gender expression of the parent(s), in accordance with the UN Convention on the Rights of the Child.
- Equal treatment of children, regardless of whether their parents are or were married; whether they are adopted; whether they share a biological link with their parents.

During 2006, the Board of ILGA-Europe committed to further develop the policy positions in this area, to produce various documents on aspects of family rights and to continue lobbying and advocating for these rights.