

Letter to Finnish Prime Minister Sanna Marin: in regards to the new parental law in Finland

[News](#), [Legal Protection](#), [Family](#), [Finland](#)

Together with NELFA we call on the Finnish government to address the needs of rainbow families in the new Finnish Parental Law. This is an opportunity for Finland to become a European leader in the recognition of the rights of all families.

Dear Prime Minister Marin,

We are writing to you on behalf of ILGA-Europe (the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) and NELFA (the Network of European LGBTIQ* Families Associations).

We are pleased to see that your government has decided to put forward a new Parental Law, which has the potential of allowing for full recognition of Rainbow Families. With this letter we want to encourage you now not to stick to the minimum necessary to avoid discrimination of same-sex couples and their children, but to use this occasion to be the first country in Europe to put in place a Parental Law that truly treats all families equally.

The Finnish government has been one of the leading countries in Europe in setting high standards for equality and non-discrimination in recent years, for example in adopting non-discrimination and equality legislation which protects LGBTI people from discrimination in all areas of life (including comprehensive protection on the grounds of sexual orientation, gender identity, gender expression and sex characteristics since 2015), and in requiring that the national curricula include information on the diversity of gender and sexual orientations. The current legislative proposal and process of the Parental Law is another chance to become a leader on the full recognition of families in all their manifold compositions in our society.

Currently, the instructions given for the draft law encompass only one benefit for rainbow families: the law would enable the use of sperm in a female couple's fertility treatment, also in cases in which the donor can be confirmed as the father of the child. As important as this recognition is, the government should not miss the chance to fully protect families in all their realities, but use this unique opportunity to ensure:

1. that the child's has access to the full extent of rights related to legal parenthood, such as the right to alimony, right to inheritance and the unquestionable right of access to all de facto parents.
2. that trans and non-binary people are fully recognised by the law also when becoming parents and introduce a non-gendered parental registration.

Ignoring the needs of children in rainbow families in the Parental Act is not in line with the spirit and records of the government program. The government program states that "In Finland, about a third of all families are no longer traditional nuclear families: for example, the number of recomposed families and rainbow families has increased. Current policies and forms of support do not meet the real needs of all families."

Across Europe multi-parenting is a reality: same-sex couples forming bonds with a third person or another couple to create a family and to become joint parents – with equally divided parental responsibilities and rights. These

models have been well-known for a long time – and not exclusively with LGBTIQ* people. However, today in Finland, as in all European countries, the law still only recognises two parents and thus does not provide a framework to ensure the full protection of the child in multi-parenting models. In existing two-parent models, primary caregivers are not recognised and therefore are not legally able to carry out basic parental responsibilities, such as having the right to meet the child, and the child does not have the right to alimony or inheritance from the primary caregiver. Clear and possibly notarised agreements in multi-parenting families would be helpful to define the parents' roles and duties from the beginning and to avoid additional burdens in possible complex family connections (for example custody disputes).

As stated above, multi-parenting models do not exist in the European legal framework, and since Finland already recognises multi-parenting to some extent regarding guardianship, visiting rights for de facto parents and open adoption, it is in the unique position to make history by becoming the first European country to create a multi-parenting model which fully recognises families in all their diversities.

However, good practice examples exist. Canada ([British Columbia](#) [2013], [Ontario](#) [2017]) and the state of [California](#) in the US [2013] have successfully introduced multi-parenting models back in 2013 and 2017, and thus have already years of successful implementation to learn from. Some European countries, such as Denmark, Sweden, Germany, or France, have started to discuss multi-parenting legislations. In the Netherlands, the Staatscommissie Herijking Ouderschap had issued a promising [legal proposal](#) in 2016, but the law is still being discussed and not yet adopted.

A Parental Law that meets the latest international human rights standards, should also ensure that people are not gendered when registering as parents. Still too often trans parents are misgendered in the birth certificates of their children. This is not a minor inconvenience, but a denial of the person's gender identity; it leads to a breach in privacy of the person concerned, leading to manifold problems in their life and the life of the child, exposing both to discrimination.

Replacing the terms “mother” and “father” with “parent” in legal documents would neither confuse the bureaucratic systems nor discourage people from using whatever terms they choose to refer to themselves in their day-to-day lives (such as “mother” or “father”, “mum” or “dad”, or their parents' first names etc.). Once again, these essential adjustments have not been introduced in family laws in Europe, but there is raised awareness and slowly governments are starting to assess their ways of parental registration and the discrimination these systems pose to trans and non-binary people. First steps have been made for example in [France](#) and [Germany](#), when it comes to registration forms in schools. In this regard we welcome the current drafting of the Finnish law on Parental Leave, which is using non-gendered language. We urge you to ensure coherence between the law on Parental Leave and the Parental Law as regards non-gendered language, so as to complete the process of a fully non-gendered Finnish family legislation.

However, we have now been made aware that both these important advancements have been excluded from the reform by the Finnish Minister for Justice, Minister Anna-Maja Henriksson, as stated in her written answer to the Members of Parliament. This has come as a great disappointment to Finnish LGBTI organisations. We have been strongly encouraged by first exchanges with the new government and strongly believe that your new progressive government coalition has the potential to make a real difference in respect of the best interests of all children, including those not living in traditional nuclear families. Already Finland has shown itself to be a European leader in LGBTI rights, with the recent achievements of marriage equality, joint adoption rights and co-parent recognition for lesbian couples. It is disappointing and surprising that the Ministry of Justice decided to reject the request of Finnish LGBTI rights organisations to make the new Parental Act fully inclusive of rainbow families.

That is why we would like to encourage you to reconsider the initial idea of creating a law for every family, of meeting their real needs. The non-existence of adequate legislative measures in other European countries should not be a reason for a non-regulation in Finland. We request that the government look into the plans being drafted by the Ministry of Justice, and ensures that sufficient resources are given to the drafting of the new Parental Act, to

ensure that it adequately addresses the needs of rainbow families. We also request that that Ministry of Justice consult LGBTI civil society in the drafting of the law, in particular Sateenkaariperheet – Regnbågsfamiljer ry, to ensure the best possible law for the protection of children in rainbow families. This is a unique opportunity for Finland to show that it is truly leading the way in Europe for the creation of a society that is inclusive of all forms of family. We believe in the modern spirit of your government and its trendsetting decision-making for the full rainbow of families.

Yours sincerely,

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