

5 October 2011

Legal Perspective Workshop

**An overview of the
legal issues affecting LGBTQI families
and the
Transnational / mobility issues**

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Instructions:

- 1. Write the name of your country of residence**
- 2. think about the concept in the piece of paper**
- 3. Write 3 ideas about the situation in your country of residence**



We
are
open
to
all
families

**Siamo aperti
a tutte le famiglie.**



As my
two
mums
say,
family
is
sacred



Council of Europe (data for first 15 EU states + Russia) (year law passed)	same-sex couples: register + some rights	same-sex couples: register + equal rights	same-sex couples: second-parent adoption (child of partner)	same-sex couples: joint adoption (child not related to partners)	same-sex couples: register + equal rights + same name (legal marriage)
Adapted from a table by Prof Wintemute					
Spain	1998-03	2005	2005	2005	2005
Belgium	1998	2003	2006	2006	2003
Netherlands	1997	1997	2000	2000 (int'l in [2008])	2000
Sweden	1994	1994	2002	2002	2009
Portugal	2010	2010	-----	-----	2010
United Kingdom	2004	2004	2002	2002	2015?
Denmark	1989	1989	1999	2010	-----
Finland	2001	2001	2009	-----	-----
Germany	2001	2004	2004	-----	-----
Austria	2009	2009	-----	-----	-----
France	1999	-----	-----	-----	-----
Luxembourg	2004	-----	-----	-----	-----
Ireland	2011	-----	-----	-----	-----
Italy	-----	-----	-----	-----	-----
Greece	-----	-----	-----	-----	-----
Russia	-----	-----	-----	-----	-----

The “European Convention on Human Rights”, entered into force on 3 September 1953.

The Convention gave effect to certain of the rights stated in the Universal Declaration of Human Rights and established an international judicial organ with jurisdiction to find against States that do not fulfil their undertakings.

States that have ratified the Convention, also known as “States Parties”, have undertaken to secure and guarantee to everyone within their jurisdiction, not only their nationals, the fundamental civil and political rights defined in the Convention.

The Convention is applicable at national level. It has been incorporated into the legislation of the States Parties, which have undertaken to protect the rights defined in the Convention. Domestic courts therefore **have to apply** the Convention. Otherwise, the European Court of Human Rights would find against the State in the event of complaints by individuals about failure to protect their rights.

The Convention makes a distinction between two types of application: **individual applications** lodged by any person, group of individuals, company or NGO having a complaint about a violation of their rights, and **inter-State applications** brought by one State against another.

Since the Court was established, almost all applications have been lodged by individuals who have brought their cases directly to the Court alleging one or more violations of the Convention.

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

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Article 12

Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.