



We would like to thank the High Commissioner for the opportunity to submit this report.

In preparation for the High Commissioner's report on *'the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family, and on the contribution of families in realizing the right to an adequate standard of living for their members, particularly through their role in poverty eradication and in achieving sustainable development'*, we would like to highlight that regardless of different legal, political and social circumstances around the world, the dramatic increase in the numbers of lesbian, gay, bisexual, trans and queer (LGBTQ) people choosing to raise children is a global phenomenon¹. The same-sex families face very different standards depending on where in the world they live. In many countries these families have no protection at all, a fact which entails massive social, financial and legal uncertainty. Worldwide equality protection within the joint adoption by same-sex couples is legal in 17 States, 9% of UN States².

We urge the High Commissioner to protect the children of LGBT persons with the legal recognition of their family ties.

Adequate and equal legal protection for all families

Legal recognition of family relationships are important in fighting discrimination against LGBT parents and children, as parents without legal recognition are prevented from making decisions concerning fundamental aspects of their child's life, such as education and health care. Moreover, they are often not eligible for State benefits and fiscal privileges which are specifically designed to support families³.

We welcome the inclusion of same-sex parents and their children in the publication of the International Day of Families 2014. Theme: *«Families Matter for the Achievement of Development Goals; International Year of the Family + 20»*⁴ and the powerful statement from the UN Secretary-General Ban Ki-moon in 2014: *«Support for families is crucial to realizing their full potential. That means factoring their needs into development policies, considering their circumstances in addressing conflicts, and advocating for the equal treatment of all families, regardless of their structure. As we strive to usher in a more sustainable future, achieve the Millennium Development Goals, shape a new development agenda and combat climate change, let us mobilize the world's families.»*⁵

We would like to deliver true stories to illustrate the need of protection of same-sex families under international human rights law.

1 http://internationalfamilyequalityday.org/images/IFED2015_FinalWEB_light2.pdf

2 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf

3 http://www.unicef.org/videoaudio/PDFs/Current_Issues_Paper-_Sexual_Identity_Gender_Identity.pdf

4 <http://digital.tudor-rose.co.uk/family-futures/>

5 <http://www.un.org/sg/STATEMENTS/index.asp?nid=7674>



True Stories

Two women registered in a U.K. civil partnership. They have a son, who is the biological child of one woman and the other woman is listed on the son's birth certificate. The biological mother is in the British Army and the family is stationed in Germany. The son was denied admission into kindergarten because the German authorities stated that the son cannot be considered the biological son or the stepchild of the woman in whose name the application was made. The biological mother could not apply for her son's kindergarten because she is in the British Army. (NELFA petition to the European Commissioner Viviane Reding, 24 September 2013)⁶

True Stories

My girlfriend had an accident, she was hit by a car while riding a bike. Open fracture of the shin bone. If her mother had not accepted me fully as her girlfriend I would not have the right to get to know anything about her condition. Or visit her until she regained consciousness. If she were killed on the spot, I would not have the right to bury her⁷.

Anna Golybeva and Yulia Malygina

We (Anna Golubeva and Yulia Malygina) are same-sex family from Russia. We live together for almost four years. We love and support each other. We have a son, a teenager of seventeen years and would like to have another child. We are not only partners, but also colleagues at work and activism. For us it is important to have a family and to talk openly about it. We would like our union would be recognized by the state. We would like to have the same rights as heterosexual people who are married. Instead, we are faced with discrimination and the fact that our unions are recognized socially unequal at the state level. This deeply offends us, and so we put our hand at something to change the situation in our country. What we can do for it - this is to provide psychological assistance and support to our community, making it stronger. We exist and it is important to talk about it.

Tatiana(40) and her partner, Moscow

I admire the courage of queer families which live in Russia! To be happy in spite of everything - our daily feat. But I would like no heroism, no struggle, but simply to live, raise a family, enjoy weekends, share each other's everyday problems.

I have two children and my wife has a daughter. Of course, as many parents, we want our children to be happy and succeed in their life. However, on our presses, we are at risk of their children by the very existence of our family. LGBT families need a protection law and the equality of rights!

⁶ http://www.mirovni-institut.si/wp-content/uploads/2015/03/White_paper_ENG_small.pdf

⁷ http://rodzinyzwyboru.pl/wp-content/uploads/2015/03/Families-Of-Choice_Report.pdf



Every time, when faced with the outside world, we are ready to defend themselves, because the law and state reject to protect us.

Maxim Ogay

For nearly three years, I live with my man as a family. The fact that we are a couple is not open to people. As a matter of fact, it is known just to those of our friends and colleagues whom we have a relationship of enough trust. Since both of us are involved into the work associated with many people, it generates a lot of complexity. At least I know that if we live openly, it would damage the work. Therefore, in general, our contact list is very short and our life is somehow going. Why we do not live openly? We do not want to deal with stereotypes and overcome them, because we just want to live.

Roman (20 yrs), Marat (25 yrs), Nyzhny Novgorod

My name is Roman (20 years old), and my partner`s name is Marat (25 years). We live in the city of Nizhny Novgorod. Recently, we celebrated 2 years. We want to get married very much, but only because we want to have legal rights. My main fear is that if something happens and I need to see him I would not be allowed to enter the hospital room, because I am nobody to him due the document. Of course this is not the reason why we want to register our marriage, there are some many others.

In addition to these problems, as far to show our feelings in public and well-known problems of our LGBT community in Russia, we have other problems. For example, we can not live together, because the parents of mine are homophobic and I fully depend on them, studying at the university. My boyfriend could not provide the two of us and he lives with his mother. Fortunately his mother knows about us and does not mind.

We do not have any friends, because we do not go to clubs or any LGBT "rainbow week." Last time when there was "Rainbow Week" in the city two attackers spread in the face with ammonia, successfully, nobody was hurt severely, and the perpetrators have not been caught. We fear for our lives.

Personally, on my own. I am deeply "in the closet" about my personal life, and I feel very bad that I have to lie to relatives (friends know), and other people that I love and I am loved.

About NELFA:

NELFA is the European platform of LGBT families associations, bringing together LGBT parents and parents-to-be from all over Europe. NELFA currently represents 24 organisations in 17 European countries with more than 23,000 members. NELFA is a member of ILGA Europe and Transgender Europe. NELFA is also a proud founding member of the International Family Equality Day (IFED).

www.nelfa.org

www.facebook.com/nelfa.aisbl

Our leaflet: <http://nelfa.org/wp-content/uploads/2015/09/NelfaLeafletUpdate2015def.pdf>

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