

# October 16

## Session 1 [10.30 – 12.30]

Name LUCA TRAPPOLIN	Title Imaging Modernisation: Lesbians and Gays with Children in Italian mass-media discourses	Affiliation Department of Sociology University of Padua	E-mail luca.trappolin@unipd.it
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### Abstract

In recent years, Italian newspapers have given a growing attention to issues related to lesbian and gay people with children. Nowadays, one can say that households of lesbians/gays with their children portray a specific – although marginal – segment of a more general Italian public discourse on homosexuality.

In my hypothesis, both the general debate on homosexuality and the specific discussion on lesbians/gays with children compel Italian society to face the ambivalence of its constitutive cultural instances, challenging it to define a national model of multiculturalism.

My discussion is based on a press review of articles on homosexuality (and, as a consequence, on lesbians/gays with children) that the most important Italian newspaper (“Il Corriere della Sera”) has published from the beginning of 1998 to the end of 2005. In total, the research has collected 998 articles.

The analysis of articles seeks to:

- a) define the quantitative relevance of issues related to lesbians/gays with children among the general national public debate on homosexuality;
- b) investigate the contents and narrative structures of mass-media discussions on lesbians/gays with children.

My interpretation is based on the following key-elements:

- 1) the relation between the “social reality” of lesbian/gay with children and the expectations/demands of parenthood coming from lesbian and gay associations;
- 2) the gender-blindness and the strong abstractness of the whole national debate on lesbian/gay parenthood;
- 3) the structural conflict between the “emancipation” and the “disciplining” paradigms within the mass-media narration of lesbians/gays with children.

Name DANIELA DANNA	Title Children of lesbians and gays in Italy: the myth of stigmatization	Affiliation Department of social and political studies, Faculty of Political Science, University of Milan	E-mail daniela.danna@unimi.it
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### Abstract

The focus of this study is stigmatization of lesbian and gay families within their social environment. In-depth interviews have been conducted with a convenience sample of 22 women and 3 men living in Northern and Central Italy, both in rural and urban environments. On the whole, these families experienced very little discrimination from extended family members, friends, peers, or health services personnel. Having children motivates the lesbian and gay parents to participate in the local community. These findings counter the political statements often heard in the Italian media that children of gays and lesbians would be severely disadvantaged because of stigmatization.

Name JOSE IGNACIO PICHARDO GALAN	Title LGBT families in Spain	Affiliation Department of Social Anthropology Fac. Ciencias Políticas y Sociología Universidad Complutense de Madrid	E-mail joseignacio.pichardo@cps.ucm.es
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### Abstract

Individual and collective practices, discourses and demands of people who have homosexual relations are generating important transformations in the conceptions of family in Spain. These transformations create new models of family that try to overcome some of the discriminations this group is suffering. Questioning the heteronormativity of hegemonic conceptions of family is the main but not the only change. Conceptions of sexuality, the organization of biological and social reproduction, sexual division of labour and the organization of material, economic and residence live of people are affected too.

In these change processes there is not a radical rupture this previous conceptions of family, but we can find important continuities. Family is the main referent for organizing everyday live in Spanish homosexual people's lives, but, contrary to other countries in Western societies, there is not a discourse of being “chosen families” among LGBT people in Spain.

If the biological essence of kinship is questioned, love, living together and care become -along with filiation and alliance- the distinctive elements to specify which social relations are considered family or not.

Name SILVAN AGIUS	Title Different Families, Same Love: Knocking at the door of the European Institutions	Affiliation ILGA Europe	E-mail silvan@ilga-europe.org
<p>Abstract</p> <p>Recognition of the rights of lesbian, gay, bisexual and transgender people at European level has been much slower than the recognition of the same minority rights for other communities. Since the original strides against the criminalization of same-sex activity in private to this conference's debate on the full recognition of LGBT families as an integral part of European society we have witnessed an uphill struggle.</p> <p>The current difficulty is that family legislation and policy is the sole competence of the Member States of the European Union, and can only be tackled in EU policy indirectly, for example, through freedom of movement, or employment benefits amongst others. The best channels for the struggle of these rights are therefore the European Court of Human Rights and the European Court of Justice through strategic litigation, as well as advocacy at European and national level.</p> <p>This presentation will give input as to how ILGA-Europe is mounting its campaign for the full recognition and equality of the diversity of families and family relationships.</p>			

**Session 2 [13.00 – 14.00]**

Name AIVITA PUTNINA	Title Looking through the eyes of a child: same-sex partner families in Latvia	Affiliation Department of Sociology, Faculty of Social Sciences University of Latvia	E-mail putnina@lu.lv
<p><b>Abstract</b></p> <p>The paper is based on 33 interviews with Latvian same-sex partner families with children conducted in 2007. Family structure and not sexual orientation served as the criteria for the selections of informants. Anti-structure of traditional heterosexual families was the model which included families composed of homosexual partners and their biological/adopted children and heterosexual relatives raising children together. In fact, this perspective corresponds to the perspective of the child in this family, sexuality being just one (though complex) of the factors influencing the family life and individual identity of a member of the family. The paper critically addresses Weston's notion of choice often assumed to be the base for conceptualising the same-sex family. I argue that the ability to relate to others using the available cultural resources (love, choice, gender roles, friendship, family) are the threads of which the fabric of family and kinship is made. Incommensurability between the model relations stemming from heteronormative categories and real life experience makes the work of actual relations visible allowing to question the role of heteronormativity in forming actual family practice.</p>			

Name DMITRIJ KULIK	Title GLBT family as a concept of public fear in Lithuania	Affiliation PhD candidate Humboldt University of Berlin, Germany	E-mail dmitrij.kulik@gmail.com
<p><b>Abstract</b></p> <p>Lithuanian same-sex families are happened to be under a heavy pressure in their public and daily lives. Those of them raising a child would be simple illegal after the implementation of the new Law on the Protection of Minors against the Detrimental Effect of Public Information. One of the objectives of this law is to prohibit the propaganda of "nontraditional" family forms. The project is supported by the most fractions in the Parliament and could be put in force this summer.</p> <p>Although GLBT families are completely hidden from the public eye and don't have any influence fighting for their rights and finding place within society, the topic of "two dads" is one of the favorite speculations of many politicians and some major mass media. They try to combine traditional family issues with the idea of national identity, which is still being created after 20 years of Independence and contrasted with global challenges. That emphasizes their sacral status of non-alternative basis of society and denies the possibility of coexistence between different family forms. The catholic church plays a significant role creating a "healthy" ideological basis of society.</p> <p>As for now, same-sex families with children are presented by couples obtained a child under specific circumstances which vary from case to case. In other words, we can hardly find a family created "on purpose". Nevertheless, there are enough cases of homosexual persons having parallel families – "a one for love" and "a one for a child".</p> <p>It's notable that this topic is doubtful within the GLBT community. It must be a significant number of people who believe that a child must be raised by men and women having in a heterosexual family even in case homosexual behavior would be tolerated by society.</p> <p>In sum, all of that creates three dimensions of the fear which doesn't make perspectives for same-sex families in Lithuania optimistic in the near future:</p> <ul style="list-style-type: none"> <li>- Fear roused by mass media and the catholic church;</li> <li>- Transformation of that fear on the level of justice by the politicians;</li> <li>- Within GLBT community: fear of no support and blaming those raising or planning to raise a child.</li> </ul>			

Name SERHIY PONOMARYOV	Title An investigation into the status and needs of same-sex partnerships in Ukraine	Affiliation PhD Candidate Petro Mohyla Black Sea State University, Department of Political Science, Ukraine	E-mail serhiyponomaryov@gmail.com
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Abstract

Such multifaceted topic as LGBT and Ukrainian society is still poorly studied and gay men and lesbians are still seen by an average Ukrainian as mythical beings that are assigned primarily negative characteristics. Issues of same-sex partnerships and particularly child adoption by gay men and lesbians look especially scandalous against such a social and cultural background. Even those who accept the fact that human sexuality is diverse and contend, albeit with some reservation, that gays and lesbians are entitled to civil rights are not ready to discuss without bias and prejudice the issue of same-sex couple being a rightful unit in the society analogous to heterosexual marriage.

For the first time some issues concerning same-sex partnerships were raised in a 2002 study conducted by an LGBT organization "Our World" (Kyiv, Ukraine). The study concluded that same-sex partnerships are invisible, more so legally excluded from social life in Ukraine and the partners are completely defenseless in the eyes of the law. The Family Code of Ukraine and related legislation define family as "created as a result of marriage, kinship, adoption, or on other grounds not prohibited by the law and such that do not contradict moral principles of the society". "Marriage is a familial union of a woman and a man [...]". Thus, de jure same-sex partnerships do not exist and partners thereof have no opportunities to represent each other's interests in proprietary, financial, medical or other regards; there are no legal avenues for same-sex partners to adopt children and use the same rights and guarantees that different-sex partners enjoy; there are no means of legally defending the rights, financial and proprietary, of each of the partners in case of separation.

The major limitation of the 2002 study was that it focused primarily and predominantly on legal rights of same-sex partners in Ukraine as the law outlines them. At that time no serious effort was made to investigate social and psychological aspects of same-sex partnerships in Ukraine. The 2009 study (first and only of its kind in Ukraine), however, attempts to narrow this gap and draw a picture with a broader perspective on the everyday life of same-sex partnerships. It offers a sociological inquiry into the status of same-sex partnerships in Ukraine, studies social identities of same-sex partners and how they affect the everyday lives, needs and values of the couple. The study also reviews the current legal status of same-sex partnerships but this time does so by linking it to socio-psychological specificities of the partnership.

Name MATE COSIĆ	Title LGBT families/parents in libertarian socio-political contexts	Affiliation sociologist, queer and libertarian activist	E-mail matecosic@gmail.com
Name JOHANNES DOLLINGER		Affiliation Center for Women's and Gender Studies, Klagenfurt/Austria	E-mail ehansi@gmail.com
Name UTTA ISOP		Affiliation Anarchafeminist & Solidarity Economy Activist, Center for Women's and Gender Studies	E-mail Utta.Isop@uni-klu.ac.at

Abstract

As a part of New Social Movements (NSM) gay and lesbian theoretical-politics of 1970's took the task of radical questioning the role of (nuclear and heterosexual) family as a main social institution in producing gender and sexual inequalities. Besides critique, many of the LGBT agents started to create (or were "forced" to do so) different types of communities and families. Social-activist environment (squats, communes, urban suburbias) provided the context for those experimentations. However, with the declining of NSM in 1980's, their institutionalization and inclusion in various state politics, as well as by AIDS epidemic, we can as well witness the declining of those experiments and their radical impulse. While these changes for sure provided more visibility of these subjects they also created a "conservative" hegemonical representation in which more radical forms of families were underrepresented.

The focus of our research therefore would be LGBT-families or parents who are part of wider subcultural or radical movements (queer communities, squat centres, radical groups) and their everyday life experiences. The planned interviews would provide results on different forms of alternative families in practice, on the kinds of resistance they had to face and different kinds of institutional, organisational and individual support. The research would afterwards interpret what should be articulated within the area of politics from their standpoint. The research would be especially interested in the links between alternate life styles and economy (e.g. squattings or communes) and alternate forms of families.

**Session 3 (16.00 – 17.30)**

<p>Name HANNELE HARJUNEN</p>	<p>Title Contestations and Confirmations of "Proper" Parenthood - Fertility Treatment Policies in Denmark, Finland and Sweden</p>	<p>Affiliation Department of Social Sciences and Philosophy, Jyväskylä University, Finland</p>	<p>E-mail hannele.harjunen@jyu.fi</p>
<p><b>Abstract</b> Fertility treatment for lesbian couples has recently been allowed in Denmark, Finland and Sweden. This marks a discursive shift that approves the lesbian as a mother. However, the policies are differently constructed in the three Nordic countries. How can these differences be understood? How are norms regarding gender and sexuality contested and confirmed in political debates on assisted reproduction? In this paper we explore the manners by which rights to fertility treatment are granted to non-heterosexuals in three Nordic countries - Denmark, Finland and Sweden - and how the political debates on rights for lesbians and single women to assisted insemination contest, build upon and construct the real family. The parliamentary debates and public policy documents on assisted insemination and correspondingly the discussions of recognition of co-mothers in the three countries are examined. Drawing upon discourse theory, the article shows how despite the best intentions registered partnership families are not always entitled to same family-benefits as heterosexual families. Not only are a number of families left outside the family policies, they have been in effect constructed as "non-families".</p>			

<p>Name JEAN MICHEL CLEMENT</p>	<p>Title Same-sex parents and assisted reproductive technology – "additional persons" in family history</p>	<p>Affiliation HES (Homosexualités &amp; Socialisme) Head of HES parentality commission (Commission parentalités)</p>	<p>E-mail jean-michel.clement@hes-france.org</p>
<p><b>Abstract</b> Same-sex parents can be described as an example of sociological infertility, since the relationship and the sexuality of couples of men or women do not provide them with the possibility of parenthood without the intervention of an additional person. In the frame of the present public debate held in France about assisted reproductive technology, Homosexualités et Socialisme (HES) decided to organise a reflection about the position of "additional persons" such as surrogate mothers (nowadays forbidden in France) or gamete donors, who participate in the conception without becoming social parents. In French law, their participation is denied, and parental projects are defined as "a father, a mother, no more, no less". Our study and hearings show that it is the child's interest to give these additional persons a form of recognition, and to acknowledge the role of this "gift of parenting". When it comes to gestational surrogacy, we collected evidences that the surrogate mothers consider their own situation as a positive action: they participate in the building of a family that couldn't develop without their contribution. Sociological studies confirm that the surrogate mothers want to create a strong relation with the parents, and do usually become part of the family's history. The situation is quite different when it comes to gamete donors. Gamete donation has become legal in France in the 1970s, but gamete donors must be anonymous. The first children born from such a donation are now young adults, and they explain their need to know the gamete donor, or to know more about her/him. They do not wish to replace their parents, but they would like to build their own identity, by being able to produce a fair family history, with no lies about their conception. On the ground of our readings, hearings and knowledge of the situation in other countries, our organisation defined several proposals to improve the legal situation of same-sex families in France. Allowing parents to resort to gestational surrogacy or gamete gift should become a possibility, and the existence of "additional persons" in the foundation of the family should be acknowledged, even if the only parents are the couple or the single person who are directly committed to the education of the child they desired.</p>			

Name Dr. ELKE JENSEN	Title Gay and lesbian family planning in Germany – options and constraints	Affiliation Projekt "Regenbogenfamilien" Familien- und Sozialverein des LSVD	E-mail elke.jansen@lsvd.de
<p>Abstract</p> <p>In Germany, thousands of children are growing up in LGBT families. At present, the majority of these children are from previous heterosexual relationships of their parents. Yet increasing numbers of lesbians and gay men are choosing to start families after coming out. Huge obstacles are put in the way of lesbians and gay men who wish to found a family. So what's the message there? That children are a strictly heterosexual pursuit?</p> <p>Nevertheless lesbian women and gay men are choosing to adopt or foster. Other lesbians become mothers by donor insemination. Gay and lesbians together start a "queerfamily".</p> <p>For many years, the LSVD – Lesbian and Gay Federation in Germany – has been working to advance social justice and equal legal rights for rainbow families. Since 2002 we conduct a project named "Regenbogenfamilien" (rainbow families). The aim of the project - initially promoted by the German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth – is to enhance the personal, social and legal status of LGBT families in Germany via counselling and networking. In addition we aim at raising awareness for an adequate treatment of LGBT families in society and politics.</p> <p>The range of our services includes a consultant hotline, online and personal counselling for LGBT families and specialists, publications and press relations as well as lectures and conferences. Our activities focus on family planning as well as difficulties of every day life in LGBT families. 60% of the counselling issues deal with family planning.</p> <p>Based on this experience the actual contribution will address to the following questions:  What does the actual situation looks like in Germany? Which opportunities are already provided for lesbians and gays to start a family? Which constraints and challenges do they still have to face arising from legal discrimination, societal resentment or a lack of information.</p>			

Name GUILLAUME MARCHE	Title LGBT families, youth, and sexuality in the United States	Affiliation English Department, Humanities Faculty, Université Paris	E-mail gmarche@univ-paris12.fr
<p>Abstract</p> <p>The recognition of LGBT families in the United States has been evolving rapidly since the 1990s, particularly as the "gay marriage" theme has begun to assume prominence in national and state politics. But same-sex marriage is not the be-all and end-all of issues of, or for LGBT families in the United States: the variety of family configurations invented by LGBT people have in fact raised new questions for the LGBT movement's politics, at the same time as they have reshuffled definitions of the American family. The question of generations has thus taken up prominence in LGBT politics, as the LGBT community can less and less be assumed to solely consist of unattached adult individuals, or couples without offspring—which is of particular importance in a context when a whole generation was decimated by AIDS hardly a decade after the emergence of LGBT communities in the post-gay liberation, gay-rights era. But how is the LGBT movement to address the issue of youth and sexuality, at a time when sex panics increasingly tend to cast youth as an asexual sanctuary? The challenge is all the greater as, on the one hand, the overall political context puts a premium on desexualizing LGBT politics, while on the other hand, LGBT "families of choice" situate the LGBT movement in a particularly apt posture to propose innovative approaches to the issue of youth and sexuality. This paper will purport to explore this question through the lens of social-movement sociology by considering the way LGBT movement organizations do, or fail to, reconcile their discussions of families, and youth and sexuality.</p>			

# October 17

## Session 1 (10.00 – 11.30)

Name JUDIT TAKACS	Title Hungarian fathers' views on same-sex couples having children	Affiliation	E-mail takacs@socio.mta.hu
<p>Abstract</p> <p>This presentation is based on the empirical findings of the "Changing Role of Fathers" qualitative research project, sponsored by the HAS Bolyai Award between 2005 and 2008.</p> <p>Out of the 90 Hungarian fathers (having at least one child aged 14 or younger, being identified by themselves or by a close family member/friend as an active, caring father) with whom I have conducted in-depth interviews 49 answered to the question: What do you think of same-sex couples having children? Here I will concentrate on the positive and non-rejecting arguments more than half of them presented when discussing their views on same-sex couples having children.</p>			

Name ANA M. SOBOČAN	Title Negotiating public spaces	Affiliation Research centre of the Faculty of Social Work, University of Ljubljana	E-mail ana.sobocan@fsd.uni-lj.si
<p>Abstract</p> <p>"When I first became pregnant, I felt like an oxymoron. A pregnant lesbian – it's an oxymoron," uttered one of the lesbian mothers, interviewed during the first research on lesbian and gay parents in Slovenia (Sobocan 2009: 78).</p> <p>Lesbian and gay parents in Slovenia are constantly in a position of negotiating their place between marginal status attributed to them by the broader heterosexual population, and some kind of mainstream conformity, ascribed to them by the homosexual community. Both of these positions are deeply experienced by the parents themselves: they feel that they are on the border of what is considered to be normative by both the homosexual and heterosexual community, and also feel the need to express a 'sameness' of their family lives with any regular family. The outcomes of these processes and experiences are multiple, some of them can be described with feelings of constant pressure of 'justifying' and demonstrating the 'appropriateness' of family life in non-heterosexual families, with building a sense of belonging by forming a community that is both homosexual and parental, and with constructing strategies of how to claim parental identity for both parents, both in the symbolic as well as legal sense.</p> <p>These experiences of parents in same-sex families will be observed through the lens of "invisible" parenting of social parents in same-sex families, and through identifying the strategies of coping with symbolic and legal non-recognition of same-sex familial relationships. Both the everyday life perspectives as well as positioning in various public spaces (such as kindergarten, school etc.) will be explored, with considering various forms of discrimination same-sex families are faced with.</p>			

Name JASMINA JAKOMIN	Title Silent Same-sex Families in Slovenian Everyday Life	Affiliation Slovenian Association for Mental Health	E-mail jasmina.jakomin@gmail.com
<p>Abstract</p> <p>The paper examines the changing structure of family life in Slovenia, with special emphasis on same-sex families. From a theoretical perspective of changes in intimate relationships, and therefore family life, same-sex families as a new form of family life are presented. The thesis questions the position of same-sex families and how do the changes in late modernity work in the context of homosexual parenthood in Slovenia. The social position of same-sex families is strongly influenced by the current situation on the institutional and political level. The analysis shows that the actual legal non-definition of same-sex families' status is accompanied still by a rather high degree of discrimination and homophobia in Slovenian society. One of the major findings illustrates that the Slovenian society is not ready yet to accept same-sex families as a form of new family life, with the excuse of being harmful for children. It also reveals that the non-favourable social atmosphere influences the process of accepting the law that would recognize same-sex families. The thesis offers an insight into the inner position of a same-sex family and on the other hand presents an overview of the state politics concerning this problem.</p>			

Name RITA BERES DEAK	Title '1 was a dark horse in the eyes of her family' – The relationship of cohabiting same-sex couples and their families in Hungary	Affiliation	E-mail karhukissa@freemail.hu
<p>Abstract</p> <p>It is commonplace that in Eastern Europe LGBT people still encounter much rejection and prejudice, and a typical scene for this is the family. Research findings of a discrimination study show that 36% of LGBT respondents have experienced discrimination within their immediate families. Even more LGBT people experience what Roman Kuhar calls the 'transparent closet': „discussions of the subject are avoided, and the individual who has come out is expected to suppress any visible signs of his/her unacceptable identity.“ When, however, the LGBT person decides to move in with his/her same sex life partner, the transparent closet becomes harder to maintain, and the family has to face their child's sexual identity, possibly for the first time.</p> <p>This paper is part of a broader anthropological research, which I have been conducting (with interruptions) since 2004. I have been interviewing members of same-sex couples about their relationship with their social environment (family, friends, the LGBT community etc.) My general aim is to map the difficulties same-sex couples face in present-day Hungarian society and the possible strategies for coping with these. The main method of the research is semi-structured, in-depth interviews.</p> <p>As the study is still in progress, this presentation can only outline preliminary findings. Due to this, as well as limitations of topic and space, I have chosen to write about the relationship of couples with their parents, siblings and other relatives. The family of birth is still one of the most important social contexts and points of reference in Hungary. Almost all my interviewees maintain or wish to maintain a strong relationship with their parents and siblings, and those whose identity is acknowledged and accepted regularly visit family gatherings, offer and accept help to and from their parents. However, this is often a long process. In my presentation I shall explore various patterns of coming out and family attitudes.</p>			

## Session 2 (12.00 – 13.30)

Name	Title	Affiliation	E-mail
ANDJELA TOMIĆ	A kind of a bit different family	Gayten, Labris, Belgrade	andjela@b92.net
<p>Abstract</p> <p>A personal story about transsexual family.</p>			

Name	Title	Affiliation	E-mail
LAURA LEPRINCE	Transgender families – a new reality and yet already a political issue	Member of HES (Homosexualités & Socialisme) Delegate to Gender Identity questions	laura.leprince@hes-france.org
<p>Abstract</p> <p>Whereas homoparentality has gained a public visibility that enabled to elaborate consistent advocacy and some legal recognition successes, transparency is still well behind.</p> <p>To give light to this reality, my organisation decided to get testimonies of parents that are transitioning or already transitioned and of younger couples with a transgender person expressing also their project to bring up a family in the future.</p> <p>In addition to gathering different academic and LGBT studies around the world, we launched our own on-line questionnaire and survey.</p> <p>All these data show that transgender parents like gay and lesbian parents at the early age of homoparentality suffer from a lot of stigmatization and ignorance, that is all the more effective when parental conflict is strong, enforcing social workers and judges to take wrong attitudes and decision about children custody.</p> <p>On the contrary lost of testimonies where parental conflict is very low give examples of very encouraging life experiences. Children with one transgender parent are showing extraordinary adjustment, no confusion about their own gender identity and no difficulty to explain who is their transitioned parent. Peer group stigma is yet still strong especially during teenager times.</p> <p>In parallel, this study is voicing what the young transgender people claim: to be sure they will be allowed to raise children by adoption, right to store its own gametes and use them after sex transition, right to remain fertile even after social gender change. These topics participate to the ongoing public debates on new procreation methods and opposition between biological founded families and social or educational parenthood.</p>			

Name	Title	Affiliation	E-mail
ANDREW YIP	Re-thinking 'Family of Choice': An Exploration of the Experiences of Lesbian and Gay Muslims	School of Sociology and Social Policy, University of Nottingham	andrew.yip@nottingham.ac.uk
<p>Abstract</p> <p>In the study of lesbian and gay intimacies, scholars such as Weeks, Heaphy, and Donovan (2001) have popularised 'family of choice' as a useful conceptual framework to understand how lesbian and gay people creatively construct support networks. Such support networks, particularly when acceptance is scarce in family of origin/fate, offer much needed resources for the construction of meaningful lives. Within this context, friends exert a dominant presence and significance. Against this backdrop, this paper, drawing upon an empirical research involving 42 non-white lesbian and gay Muslims in the UK, aims to apply this conceptual framework to the lived experiences the respondents, who are members of not only a sexuality minority, but also religious and cultural/ethnic minority. This intersection of minority statuses, vis-à-vis the politicisation of Islam in the west, brings up many interesting issues. Such issues range from the fundamental definition of 'family' to the management of familial relationships. Collectively, they highlight the importance of culture in the respondents' understanding and practice of their sexuality in relation to other significant aspects of their lives such as religious faith and family.</p>			

Name MARTINE GROSS	Title Grandparenting in French lesbian or gay families	Affiliation Centre d'Études Interdisciplinaires des faits religieux Ecole des Hautes Études en Sciences Sociales	E-mail gross@ehess.fr
<p>Abstract</p> <p>For a growing number of people, homosexuality is no longer incompatible with raising children . But what happens with (future) grandparents in these parental projects? How do they react to the announcement of the homosexuality of their child? When these women and these men announce their homosexuality to their parents, the latter take it for granted they will never have grandchildren, especially if they only have one child. This belief that the lineage, or at least one of its branches, is to come to an end, is challenged when a homosexual child announces that he or she wishes to start a family or that he or she is a future parent. When they find themselves in this unexpected situation, the parents of lesbian and gay men are led to reconsider their representation of homosexuality and the destiny of their child. How do these future grandparents accommodate to the parental projects of their homosexual child ? Do the parents of a gay son react the same way as the parents of a lesbian daughter? Does the method chosen to be a parent, i.e. adoption, artificial insemination, surrogacy, coparentality, play a part?</p> <p>In this communication, I will essentially focus on three questions. First of all, I will study the way in which the arrival of a child affects the grandparents' acceptance of the conjugality of their child. Then, I will study how the acceptance of the couple makes it possible for the grandparents, from the legal parent's side, to consider the partner of their child as a relative even if he or she does not have the legal parenting statute. Finally, I will study how grandparents (from the social parent's side) manage to regard themselves as the grandparents of a grandchild who is not connected to them, neither biologically, nor legally. These issues are studied through interviews and questionnaires with grandparents and parents.</p>			

**Session 3 (15.00 – 16.30)**

<p>Name LOVEDAY HODSON</p>	<p>Title The right of children raised in lesbian, gay, bisexual or transgender families: A European perspective</p>	<p>Affiliation School of Law University of Leicester</p>	<p>E-mail loveday.hodson@leicester.ac.uk</p>
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**Abstract**

Protecting children’s rights is a central aim of international and European human rights law. All Member States of the Council of Europe are party to the Convention on the Rights of the Child (‘CRC’), and all agree upon the fundamental principle that in every decision relating to children, protecting the best interests of the child is a primary consideration. While European states recognise that children enjoy rights in their own name (e.g. Verhellen, 1993) they also recognise that children are uniquely vulnerable and that the family unit is often central to a child’s security, happiness and to the protection of their rights. A plethora of international and national laws thus aim to protect families as a means of ensuring that children are raised in a stable and loving environment. Consequently, the extent to which a child’s family unit enjoys legal recognition has a considerable impact on that child’s enjoyment of his or her rights.

The traditional idea of ‘the family’ in Europe is represented by the nuclear family: a married opposite-sex couple and their children. That notion of the family is an ideal type that retains considerable influence in framing national and international laws and policies affecting personal relationships. However, it is becoming increasingly distant from the lived reality of very many European families and their children. Remarkable social developments are taking place that are re-shaping our understanding of the ideal family form. Amongst those at the forefront of the expansion of the idea of family life in Europe are lesbian, gay, bi-sexual and transgender families (‘LGBT families’). While LGBT families have unique characteristics, like all families they are built upon relationships of mutual support, commitment and love. This paper is premised on the belief that the question of the rights of children raised in LGBT families should form part of the wider dialogue about children raised in relationships based on love and care that fall outside of traditional marriage that is currently taking place within the Council of Europe. This paper highlights the fact that international and national laws often fail to recognise the reality of these children’s familial relationships, potentially jeopardising their legal security. While most children raised in non-traditional families share a degree of legal vulnerability with respect to their family ties, for children in LGBT families, such vulnerability is almost invariably a fact of life.

There is no doubt that this is a sensitive and complex issue. Legal recognition of LGBT families challenges the idea that the traditional family unit is the only ‘normal’ or ‘acceptable’ one. Most particularly, LGBT families challenge the centrality of the biological element of parenthood. Same-sex couples obviously cannot conceive children on their own. Like many different-sex couples with fertility problems (who probably outnumber same-sex couples), they require the assistance of a third party. This means that the issue of LGBT family rights cannot simply be solved by demanding equality with families headed by opposite-sex couples, whether married or not – it requires adopting a forward-looking and expansive view of what parenthood means. Of course in biological terms, the definition of parenthood is (usually) straight-forward. But parenthood is not just a biological function: it also has a social and legal dimension. While each of these functions of parenthood is obviously important, they are not inevitably all fulfilled by the same person or people. For children of LGBT parents, it is important that their family reality is reflected in laws governing family rights and responsibilities. Quite simply, failing to distinguish in law between biological and social parenting will deny a child being raised in an LGBT family the same rights as children being raised in other family environments. This paper starts from the simple premise that it cannot be in the best interest of those children to leave their important relationships of care outside of the legal framework of rights and responsibilities that are specifically designed to protect their interests simply on the basis of their parents’ sexual orientation or gender identity. The fundamental challenge for European states, this paper suggests, is to ensure that all children enjoy human rights equally.

Name MAKS BANENS	Title Legal recognition of same-sex partnerships in Denmark, the Netherlands, Germany, France and Spain	Affiliation University of Lyon, France	E-mail Maks.Banens@univ-lyon2.fr
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Abstract

The paper presents a comparative study on the legal recognition of same-sex partnerships in Denmark, the Netherlands, Germany, France and Spain. Parental rights and kinship were a disturbing issue indeed, but very differently so in the different countries. In some, they were sort of 'forgotten' and their exclusion of partnership's rights did not make its way into public debate. In others, they were the main obstacle for getting a majority in favour of legal recognition of same-sex partnerships. Yet, in the end, all countries excluded kinship issues from same-sex partnership rights. These differences in the way the family issue has been dealt with may be due either to the way different LGBT communities consider LGBT families and, moreover, the family in general, or to the way different national societies consider families in general and LGBT families in particular. My study suggests the second hypothesis. Northern and southern European countries don't share the same values of family and kinship relations in general. The main difference seems to concern the durability of family ties, continuing long into adulthood in the southern countries, ceasing at the age of majority in the northern. Legal constructions of same-sex partnerships and LGBT families, then, have been thought of differently. In the south of Europe, their main endeavour is to include LGBT couples and families into their families of origin. In the north of Europe, on the contrary, the new legislation aims to include LGBT couples and families into society, which means in practice into the LGBT community. These different aims may have lead to comparative legal rights, but they express themselves in quite different uses of these rights, especially in terms of numbers involved.

Name ANGELO BERBOTTO	Title The Child-centred approach in the legal reasoning of the English Courts in cases involving Gay and Lesbian parents: two examples and plenty of opportunities	Affiliation Childcare Law, London Local Authority	E-mail angelo_berbotto@yahoo.com.au
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Abstract

The rights of LGBT parents in the United Kingdom have evolved rapidly in the last decade. Two major landmarks are the possibility for same-sex couples to adopt jointly with the Adoption and Children Act 2002 and more recently, the recognition of same-sex relationships with the passing of the Civil Partnership Act 2004 (which came into force on 5 December 2005). However, before the introduction of such important pieces of legislation, the English courts have had to hear disputes brought by Lesbian and Gay parents, using the Law available to them, which was originally enacted and developed to meet the needs of heterosexual parents in conventional, heterosexual families. In this paper I intend to look at some of the groundbreaking decisions in which the English judges have extended the principles applied to heterosexual relations to those of same-sex parents. My objective is to provide an analysis of the situation the Court was faced with, the Law applicable and the reasoning of the judges. It is hoped that this exercise will assist lawyers in jurisdictions that do not recognize the rights same sex parents to engage in creative ways of presenting their clients cases in order to extend existing Law to their particular circumstances.

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Abstract

The last couple of years have been extremely important for the Slovenian LGBT community that started demanding their rights before Slovenian courts. There are three most important development that need to be mentioned in this respect. The first one is the Constitutional Court decision of July 2009 which fully recognized equal inheritance rights of registered same sex partners. The importance of the decision is manifold: for the first time the Constitutional court recognized that sexual orientation is a protected ground of discrimination in the Slovenian Constitution. The decision proves the correctness of the strategy of those who filed the constitutional complaint, to limit themselves to economic issues which are not seen as controversial in the society, and make it impossible for the constitutional courts – even if they are conservative – to reject such complaint. Finally, the reasoning of the decision included an argument that same-sex partnerships are totally comparable to opposite sex partnerships, which is precisely the argument that the complainants wanted to see in the decision and can assist the LGBT community in their future claims for equal rights. The second important development concerns the procedures of recognition of foreign judicial decisions (before Slovenian courts) with which parental rights of same sex couples have been recognized abroad, concretely in the USA. The first procedure concerns recognition of an American judicial decision recognizing adoption of a child by a gay couple, while the second one concerns an American judicial decision recognizing parental rights that a gay couple obtained on a child born by a surrogate mother. The third important development, which was encouraged by numerous political, social and legal factors and many years of endeavors of the LGBT community, is the proposal of a not yet adopted new Slovenian Family Code which for the first time introduces complete equality of same-sex couples with same sex couples in all areas of life.