

The rights of children in LGBT families across Europe - discrimination, legal challenges and strategies for change.

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My contribution to this stimulating conference aimed to shed some light on the role of the European Court of Human Rights in protecting the rights of members of LGBT family members, particularly children. The European Court of Human Rights is a Council of Europe institution based in Strasbourg that protects the rights of people in 47 states.

In my presentation I argued that while 'the family' is often felt to be something that grows organically and is intensely personal, what LGBT families are acutely aware of is that the family unit is actually supported and buttressed by a whole array of laws. Those laws offer the family unit special protection and, more particularly, are designed to protect the rights of children. What this conference brought home was the remarkable changes in how European families are structured – including an increase in LGBT families. Although national and international laws have tried to keep up with these developments in order that members of 'alternative' families are offered legal recognition and protection, when it comes to the European human rights law - which, I argued, should be offering leadership in this area - it appears to be playing a constant game of catch-up.

The main points of my talk can be summarised as follows:

- * The European Convention protects everyone's right to family life and gives priority to the best interests of the child.
- * LGBT adult relationships are increasingly gaining recognition under European human rights law. The European Court of Human Rights has taken a number of very important steps towards securing the equal treatment of same-sex couples.
- * The European Court of Human Rights generally adopts a flexible approach to the family unit and recognises relationships outside of marriage.
- * However, this has not tended to include equal protection for children raised in LGBT families.

- * The nuclear family is proving hard to shift as the 'ideal' for parenting. This has led to uneven protection for children in LGBT families across Europe.

The challenge is to ensure that the patchwork of protection offered to children raised in LGBT families is replaced with equal enjoyment of family life. It cannot be in the best interest of 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. Asking what children in such families need for their happiness, healthy development and for the enjoyment of their rights is a question upon which the Court, with a pluralist child-centred approach normally at the heart of its interpretative arsenal, should feel well positioned to provide guidance. Ignoring the reality of children who are born into or raised by LGBT families doesn't make the reality of their existence disappear, it simply denies those children the full enjoyment of their rights.

My own contribution to the conference took place early on in the programme of events, which allowed me and my family to relax and enjoy the rest of this fantastic and well-organised event. There were so many highlights it is hard to choose one, but I particularly enjoyed meeting other non-biological mothers and sharing our experiences. My daughter absolutely loved her trip to Phantasialand (she already wants to know when she can go back!) and she made some firm friends-for-life. My partner, who is a school teacher, took a lot of useful information and ideas back to her workplace about best practice for children raised in LGBT families. On top of all this, we all had fun learning a few line-dancing steps!