

LGBT organizations welcome the Constitutional Court ruling

Ban on adoption by a registered gay or a lesbian declared unconstitutional

Press release, June 28th 2016

The Constitutional Court of the Czech Republic ruled today to abolish Sec. 13(2) of the Registered Partnership Act. This provision prohibited gays and lesbians to adopt a child as individuals once they entered into a registered partnership, even though as a single person, they would be eligible to adopt. **The today's ruling of the Constitutional Court allows the gays and lesbians to adopt a child as individuals even after they enter into registered partnership.** This decision is the first decision in which the Constitutional Court rules in the matter of the Registered Partnership Act and same-sex domestic partnership.

In the Czech Republic, adoption exists in the form of an adoption by an individual, joint adoption by a couple and a so called „second-parent adoption“ (whereby a husband adopts his wife's child or vice versa). Adoption by a couple or second-parent adoption is permitted only to married couples, while the same is prohibited to partners living in a registered partnership. Anybody is eligible to adopt a child individually, regardless of their sexual orientation. However, the Sec. 13(2) of the Registered Partnership Act in question stated that once a gay or a lesbian enters into a registered partnership, they automatically lose the possibility to adopt individually. *“This specific section did not make any sense because as a gay or a lesbian person, you could adopt a child as an individual. But once you would enter into a legally recognized registered partnership because you would wish to live in a stable and long-term relationship, the state would prevent you to adopt individually.”* says Jan Kozubík from PROUD, an organization focused on the rights of gays and lesbians in the Czech Republic.

The provision in question, which was abolished today, is not only discriminatory but also anachronistic. Since the 1990's, the public support of the rights of LGBT people has been steadily rising by tens of percent. In the Czech Republic and other free countries, tens of thousands of children are already growing up in families with two mothers or two fathers.

Experts agree that providing a child with enough love and care is the most important and that parents' sexual orientation has no negative impact on children. PhDr. Zuzana Spurná, Ph.D. – clinical psychologist and therapist, head of the Clinical Psychology Department at the Saint Anna Hospital states: *“I think that if the person who wants to adopt a child is emotionally stable and mature and raising a child is for him a top priority, then the child will have a beautiful life and parents' sexual*

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PROUD

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orientation does not matter at all.” Is there a higher chance that children will be mobbed at school because they have two moms or two dads? “That is a problem rooted deeply in our society. We need to learn more how to be tolerant and realize that the priority here is making sure that children are healthy and have a great life. If we want children to grow up in a loving and supportive environment, then we appreciate those who adopt a child because they want to provide him with love and care. And we should treat these people with respect, not the other way around.” Further, Professor Zdeněk Vybíral, head of the Department of Psychology at Masaryk University, stated: *“Same sex couple, whether we like it or not, may be healthier, happier and more beneficial for the child, than a heterosexual couple. Or it will not. As far as I am aware, psychology has not confirmed any apriori generalizations based only on gender.”*

PROUD, Prague Pride and other organizations working on the LGBT rights welcome the Constitutional Court’s ruling which has made, like many other Constitutional or Supreme Courts abroad, a very important step on the road to equality of gays, lesbians and bisexuals in the Czech Republic. However, they also note that the path to full equality of LGBT people may still be long. *“LGBT people remain considered as second degree citizens, because they cannot adopt the child of their partner, they cannot get married etc.”*, adds Kozubík.

The next important step to make will be legal recognition of same-sex parents and legalizing second-parent adoption for same-sex couples, the same way a husband may adopt a child of his wife and vice versa. Many public figures including nine ministers of the Czech government have openly expressed their support for the campaign “Different families, same rights”. For more details about this campaign, please visit www.stejnarodina.cz (section photos). During the upcoming weeks, the Czech government is expected to vote on this proposed amendment.

It is symbolic that the Constitutional Court delivered its verdict precisely on the day of the Stonewall riots anniversary, the event largely regarded as a catalyst for the LGBT movement for civil rights and pride parades.

The following contact persons will be happy to provide comment on the ruling of the Constitutional Court:

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This press release is jointly issued by:

Platform for equality, recognition and diversity z.s. (PROUD) – organization focused on the rights of gays and lesbians in the Czech Republic

Prague Pride z.s., – organiser of the LGBT festival and operator of the Sbarvouven.cz website

Amnesty International – global movement which focuses on human rights monitoring and launches campaigns against violation of human rights

Gender Studies o.p.s. – organisation of informative, consultation and educational nature, focused on the issue of gender equality

Logos ČR – ecumenical fellowship of gay and lesbian Christians and their friends

Mezipatra – queer film festival screening LGBT-themed movies

OLLOVE – Palacky University Olomouc LGBT society

Charlie – Charles University in Prague LGBT society

STUD Brno – organisation of LGBT people and their friends

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<http://www.stejnarodina.cz/stanoviska-odborniku.html>

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