



NEWS REPORT

Date: 21 August 2009
Expert: Mahlmann, Matthias
Title: Adoption by same-sex couples
Country: Germany

Context

Issue at stake: Right of same-sex couples to adopt a child
Ground of discrimination: Sexual orientation
Source: political development / miscellaneous
Field: Other
Legislative provisions: Sec. 9.7 Gesetz über die Eingetragene Lebenspartnerschaft

Content

Political development: On 10 August 2009 the Ministry of Justice of the *Freistaat Bayern* (Free State of Bavaria) revoked its 2006 complaint to the Federal Constitutional Court (*Bundesverfassungsgericht*) against the compatibility of the so-called “stepchild-adoption” (*Stiefkindadoption*) in Sec. 9.7 Law on Registered Civil Partnerships (Gesetz über die Eingetragene Lebenspartnerschaft) with the Basic Law. This provision allows for the adoption of the child of one of the partners in a registered partnership by the other member of the partnership. The withdrawal of the complaint coincides with the presentation of a study on the situation of children in same-sex partnerships by the Federal Ministry of Justice on 23 July 2009. The representative survey by the State Institute for Family Research at the University of Bamberg (Staatsinstitut für Familienforschung an der Universität Bamberg, Die Lebenssituation von Kindern in gleichgeschlechtlichen Partnerschaften) comes to the conclusion that children raised in same-sex partnerships develop as well as children raised in other families. The Minister of Justice proposed to extend therefore the adoption rights of same-sex partners beyond the so called “stepchild-adoption”.

Internet link source and additional information:

Summery of the survey (in German):

http://www.bmj.bund.de/files/-/3813/Zusammenfassung_Lebenssituation_von_%20Kindern_%20in_gleichgeschl_LP.pdf

Press release by Bavarian ministry of justice (in German):



<http://www.justiz.bayern.de/ministerium/presse/archiv/2009/detail/140.php>