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The Free Movement of Rainbow Families under EU law

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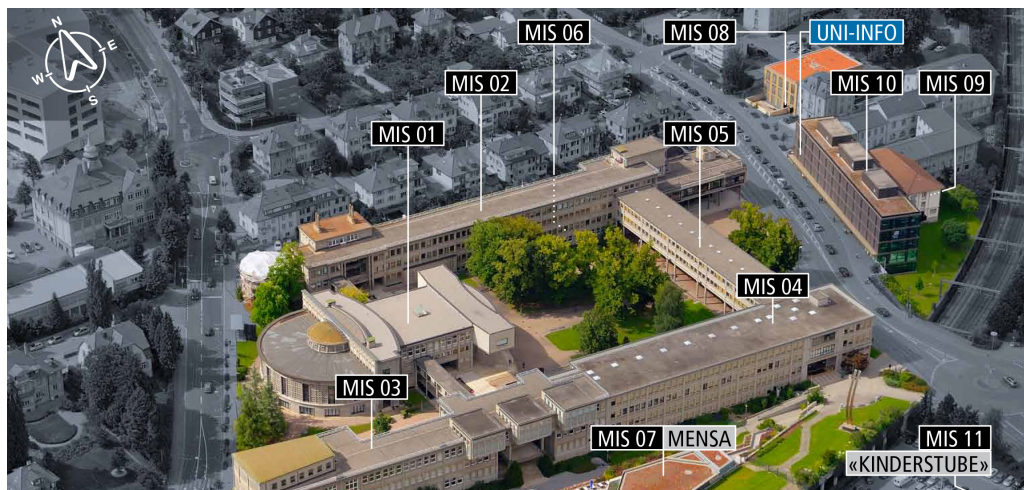
Thursday, 15 December 2022, 17.15 – 18.45

University of Fribourg, Miséricorde, Room Jäggi (MIS
4112), Avenue de l'Europe 20, CH-1700 Fribourg

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The aim of this conference will be to explore the position of rainbow families (i.e. families comprised of a same-sex couple with or without children) under EU law, when they decide to exercise their EU free movement rights by moving from one EU Member State to another. The conference will begin by explaining the difficulties that rainbow families often face when they exercise their free movement rights: due to the fact that family law remains an area of national competence and, thus, there remain significant differences in family law across Member States (and in the regulation of same-sex relationships) their family ties may cease to be legally recognised when rainbow families cross the EU's internal borders. To date, the Court of Justice has been given the opportunity to rule on this matter in two cases: the Coman case (which involved the exercise of free movement rights by a married, same-sex, couple) and the V.M.A. case (which involved the cross-border recognition of the parent-child relationship between a child and both of her (same-sex) parents). Although the Court's approach in both cases has been hailed as a first, positive, step towards the equal treatment of rainbow families under EU law, a more careful reading of the rulings demonstrates that the Court's approach has been cautious and leaves many questions unanswered. The conference will, therefore, aim to assess the current position of rainbow families under EU law (as established through these rulings), to identify gaps in protection which persist even after the delivery of these rulings, and to consider what, if any, steps may be taken in the future, in order to improve the position of rainbow families under EU law.

Professor Alina Tryfonidou is Professor of European Law at Neapolis University Pafos and a Visiting Professor of Law at the University of Reading (UK). Having spent most of her academic career in the UK (as a Lecturer at the University of Leicester (2007-2011); and as a Lecturer (2011-2013); Associate Professor (2013-2018), and Professor (2018-2021) at the University of Reading), she decided to relocate to Cyprus in 2021. Professor Tryfonidou obtained her LLB (2001), LLM (2002) and PhD (2008) from King's College London. In 2021-2022, Professor Tryfonidou was a member of the European Commission Expert Group on the Recognition of Parenthood between Member States, which aimed to assist the European Commission in the preparation of a legislative proposal for a Regulation which will require the cross-border recognition of parenthood in the EU. Professor Tryfonidou's main research interests lie in European law, focusing on EU free movement law, family law, and the rights of sexual minorities.



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