

Gas & Dubois v. France

[Case Law](#), [Legal Protection](#), [Adoption](#), [European Court of Human Rights](#), [Family](#), [France](#), [Strategic Litigation](#)

Adoption

(Application No. 25951/07), 21 February 2011

[Find Court's judgement here.](#) (No violation of Article 14 of the Convention taken in conjunction with Article 8)

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- The applicants, a same-sex couple who entered into a civil partnership agreement in 2002, alleged that they had been subjected to **discriminatory treatment** based on their sexual orientation. One of them gave birth in France in 2000 to a daughter conceived in Belgium via anonymous donor insemination. The child had lived all her life in the applicants' shared home. However, the French authorities rejected their application for simple-adoption.
- ILGA-Europe, together with FIDH, ICJ, BAAF and NELFA made oral and written submissions.
- The interveners drew the attention of the Court to the importance of taking into account **the best interests of children** in having two legal parents rather than one.
- In their oral submission, they stressed that the strongest and most persistent **prejudice** against the lesbian and gay minority in Europe is that they represent a threat to the welfare of children, as reflected in decisions of national courts denying lesbian women and gay men custody of their own children, or the possibility of adopting a child as an unmarried individual.
- The European Court of Human Rights delivered its [judgement on 15 March 2012](#).
- The Court referred to the submission and in particular the categorisation of situations in which lesbian or gay individuals adopt children. It also noted the interveners' finding of a **growing consensus** that, where a child was being raised within a stable same-sex couple, legal recognition of the second parent's status promoted the child's welfare and the protection of his or her best interests (paras 53 to 57). However, if found no evidence of a difference in treatment based on the applicants' sexual orientation, as opposite-sex couples who had entered into a civil partnership were likewise prohibited from obtaining a simple adoption order.