

Bulgarian Court Rules Baby Sara Must Be Issued Birth Certificate

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A Bulgarian court has ordered city hall authorities in the capital city of Sofia to issue a birth certificate to the baby born to a same-sex couple from Bulgaria and Gibraltar, known as 'Baby Sara'.

The court's decision was declared on Monday (16 May) follows a [ruling last December](#) by the Court of Justice of the European Union (CJEU), saying that if one EU member state recognises a parental relationship between a child and its parents, then all member states should, in order to give the child its right to freedom of movement.

[The case 'Stolichna obshtina, rayon Pancharevo'](#) arose when a same-sex couple were refused a birth certificate in Bulgaria for their infant daughter, who was born in Spain. The Bulgarian authorities asserted that the couple, one of whom is Bulgarian, could not be registered as parents on the child's birth certificate, leaving the family in legal limbo, and Baby Sara stateless.

The CJEU ruled that it is contrary to the fundamental rights guaranteed by Articles 7 and 24 of the Charter for the child to be deprived of the relationship with one of her parents when exercising her right of free movement or for her exercise of that right to be made impossible or excessively difficult on the ground that her parents are of the same sex.

The ruling asserted that the Bulgarian authorities are obliged to issue an identity card or a passport to Baby Sara, which all other EU Member States are obliged to recognise.

Welcoming the Bulgarian court ruling that Baby Sara must be issued her birth certificate in light of the CJEU judgement, Arpi Avetisyan, Head of Litigation at ILGA-Europe, which provided strategic legal support during the proceedings before the CJEU, said: "The decision from Sofia Administrative Court sets a model example for applying the CJEU's judgment in Baby Sara's case. The Court acted swiftly and with clarity. All eyes are now on the Bulgarian authorities to comply with the Sofia Administrative Court decision and issue the birth certificate promptly. At ILGA-Europe, we couldn't be happier for Baby Sara and her parents to finally be able to be recognised and travel as a family. All rainbow families across the EU should be able to enjoy their right to freedom of movement, without fragmentation and discrimination."

The decision of the Bulgarian court comes almost on the fourth anniversary of another landmark CJEU decision in favour of freedom of movement for rainbow families, the Coman judgement against Romania, which has yet to be implemented by Romanian authorities.

On [5 June 2018, the CJEU ruled that](#) the term spouse includes same-sex spouses under EU freedom of movement laws. Four years on, Clai Hamilton, spouse of Romanian citizen Adrian Coman, has not been granted residency yet in Romania.

According to Avetisyan, "It is very disappointing that four years on we are still talking about implementation of Coman judgment – both in relation to the applicants themselves, but also for other couples in Romania who

continue suffering as a result of authorities' unwillingness to make the necessary changes. This judgment was a big achievement for establishing equal rights for all EU citizens to enjoy their freedom of movement, without discrimination based on sexual orientation.

"We trust the European Commission will act firmly to ensure that EU law is implemented, in Romania and other Members States all across the EU, and make sure rainbow families are treated equally and with dignity."