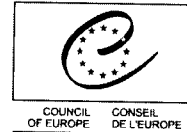




COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



Ref. CommHR/LS/sf 014-2013

**Mr Fernando NEGRÃO**  
Chairman of the Committee on Constitutional Affairs,  
Rights Freedoms and Guarantees  
Portuguese Parliament  
Palácio de S. Bento  
1249-068 LISBOA  
Portugal

Strasbourg, 18 June 2013

Dear Mr Negrão,

It has been brought to my attention that the Portuguese Parliament is currently considering amendments to the Civil Registry Code which would provide access to second parent adoption by same-sex couples. This constitutes an excellent opportunity for bringing the Portuguese legislation in conformity with the recent Grand Chamber judgment of the European Court of Human Rights in the case of *X and Others v. Austria* (19 February 2013, Application no. 19010/07). In that case, the Court found that it was discriminatory to exclude second parent adoption in a same-sex couple if such a possibility was allowed to unmarried different sex couples.

It is my position that same-sex couples, in compliance with the principle of the best interests of the child, should be granted similar opportunities as other applicants to be considered as adoptive parents for a child. The parental rights of same-sex partners, individually or jointly, should be recognised without discrimination. The report "Discrimination on grounds of sexual orientation and gender identity in Europe" published by my Office in 2011 and enclosed to this letter provides further guidance and recommendations on the matter.

I strongly encourage your efforts, and those of your Committee's Working Group on Second Parent Adoption, to bring the Portuguese legislation in this field in line with European standards and look forward to a constructive dialogue on the issue.

Yours sincerely,

Nils Muižnieks

Enc.

