The rights of children with same-sex parents

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The topic of homoparental families is a challenging issue for scholars from different disciplines. Gay men and women are giving rise to the formation of a new type of family that does not consider pre-existing models, whose place will therefore have to be invented among the different family configurations. These new family configurations question the obviousness of filiation because they underline “its multidimensionality, given that the biological, domestic, and genealogical (or symbolic) components of filiation are not combined in the father and the mother” (Marquet, 2005:14). And they are interesting not only because they stand out as a “social laboratory' of family diversity” (Stacey and Biblarz 2001:179), but also because they construct their parenthood and parenting in a condition of anomie. As a matter of fact, in these families the exercise of responsibility on the part of both social and biological parent toward children, is a sort of “legal invention”, since law does not provide normative models corresponding with affective practices and expectations of people involved (De Certeau, 2006).

On the side of children, it is important to stress that legal recognition of responsibility of both parents in homoparental families has direct implications on the recognition of children’s fundamental rights. And specifically, the recognition of the right of the child to grow up in his/her familiar environment without discrimination irrespective of his/her parents’ condition, even their sexual orientation, as stated in Article 2 of the UNCRC.

In my presentation, after giving a quick overview of the legal status and the available background figures on homoparental families in Italy, I show some findings from a research on parental responsibility conducted with children living with same-sex parents.¹

Seven children aged 9-12, were involved in 2 focus groups were asked to discuss with regard to: a) the structure of their family, b) the practices of parental responsibility – care, discipline, domestic tasks; c) the distinctiveness of their situation compared to that of their peers living in opposite-sex parent families; d) the experience of growing up in a household which does not enjoy public recognition. How children handle the specificity of their families with their peers.

Children’s voices show a representation of parenting as basically equal between biological and social mother, and characterized by a) care and support practices, b) control exerted primarily to enhance participatory autonomy of children, c) infrequent use of disciplinary sanctions. But the voices of also tell us how hard is, in their daily life, the issue of social recognition and acceptance of their family, especially within the relationships with their peers.

References


¹ The research is part of the project ‘Responsibility in family relations: practices and norms, explanations and representations’ funded by the Italian Ministry of University and Research in the area of projects of national interest (Protocol 2008FB7KE5). In the research on homoparental families were involved biological and social same-sex parents with co-resident children, and children living in lesbian-headed families. Findings from the research with both parents and children has been published in Bosisio, Ronfani (2013).