



CO-MATERNITY

EVS Congress
Kassel , 11 May 2015



Hello!

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It's Monday, but...

**DON'T
PANIC**

...the world will change again tomorrow.

1

LEGACY OF EQUAL RIGHTS

A timeline

TIMELINE



2000

civil partnership



2003

Same-sex marriage



2006

Same-sex adoption



2015

Co-maternity



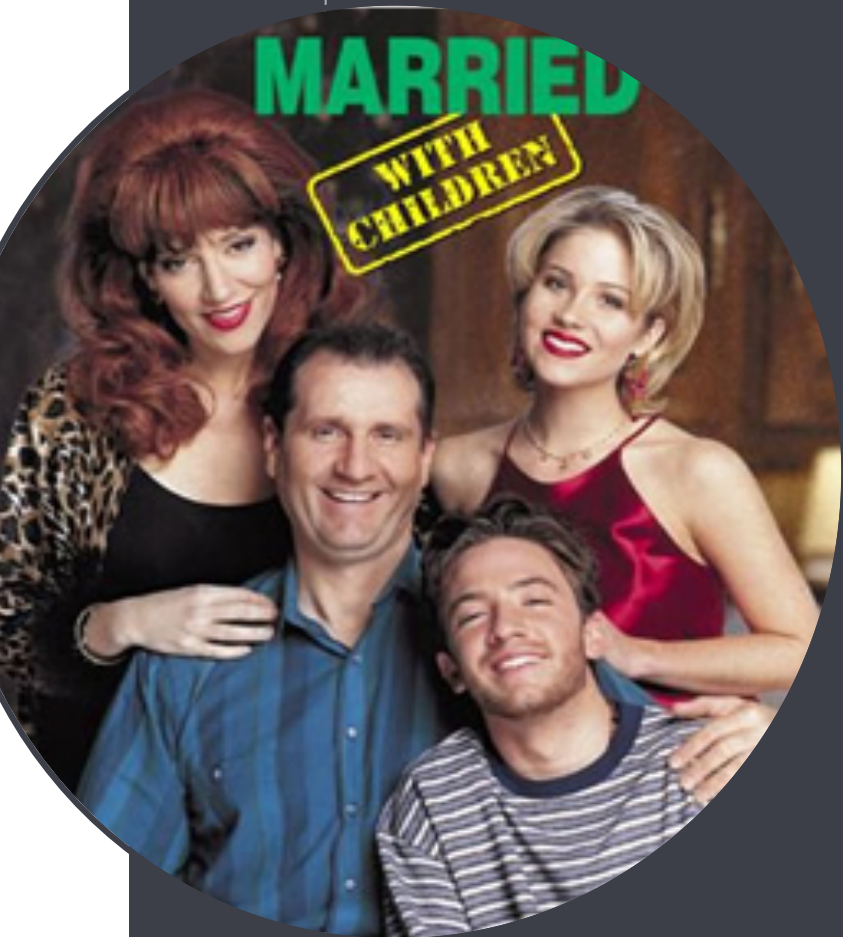
The Future

Who knows?



THE OLD RULES

- OLD RULES



Article 315

“A child born within a marriage,..., has the **husband** of the mother as father.”

- OLD RULES



Non-married
couples

What about
same-sex couples ?



3

NEW RULES



CO-MATERNITY



Art 329

A child can only have two parental filiations

“

Art 325/1

When the paternity has not been established, the co-maternity can be established

Art 325/2

A child born within a marriage,..., has the wife of the mother as co-mother.

“

Art 325/4

If the filiation has not been established via 325/2, the co-mother can recognise the child

4



KEEP
CALM

AND

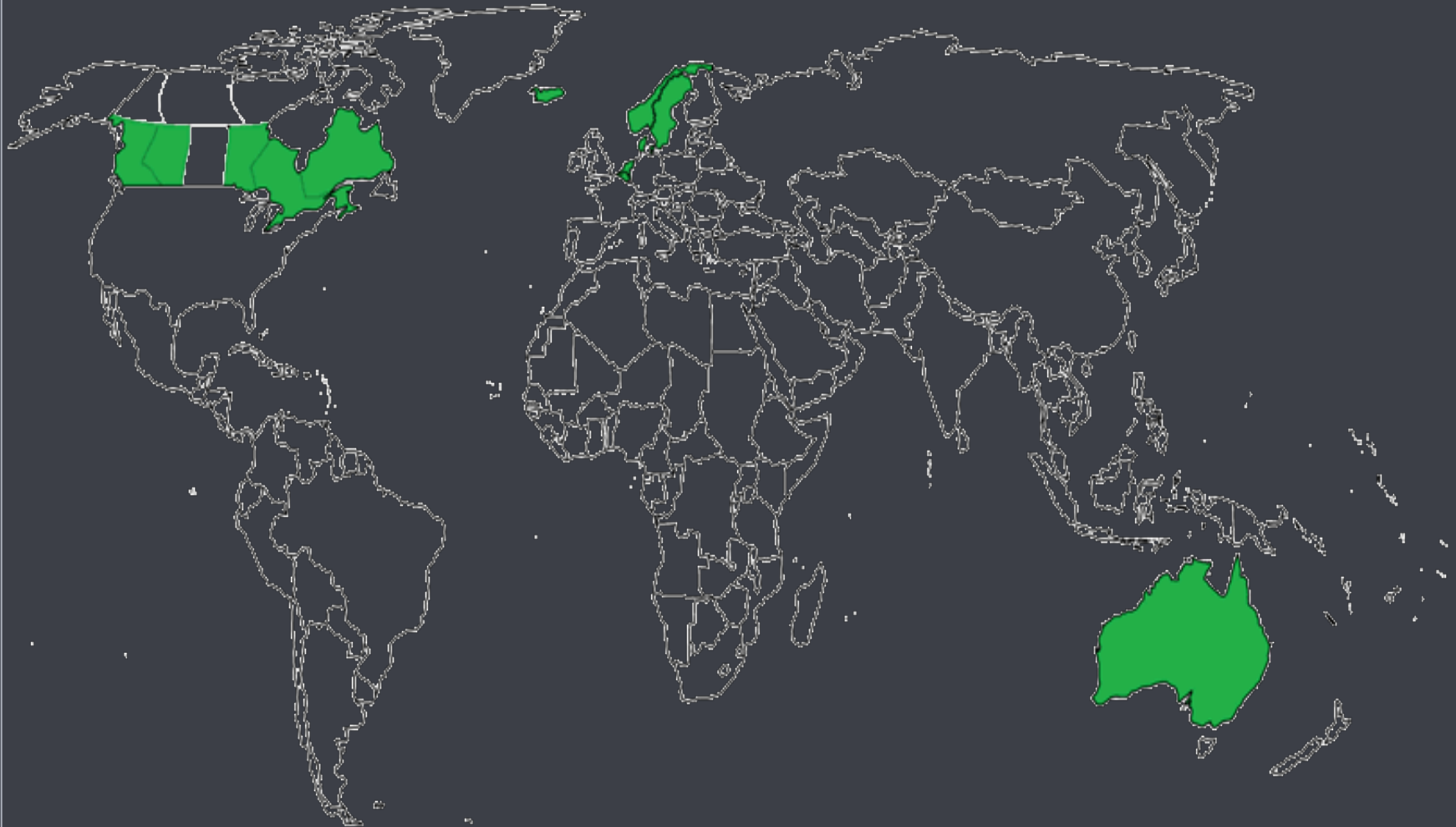
LOVE PRIVATE
INTERNATIONAL LAW

- BELGIAN INTERNATIONAL PRIVATE LAW

- Goal: To solve all conflicts of law
 - Article 62 BIPL
 - Article 63 BIPL

“The determination of the parental filiation towards a person is governed by the national law of this person”

● COUNTRIES THAT ALLOW CO-MATERNITY



● FOUR VARIABLES

○ **Birth Mother**

Nationality allows
co-maternity

Nationality does
not allow co-
maternity

Co-mother to-be

Nationality allows
co-maternity

Nationality does
not allow co-
maternity

CASE 1

Birth mother
nationality allows
co-maternity

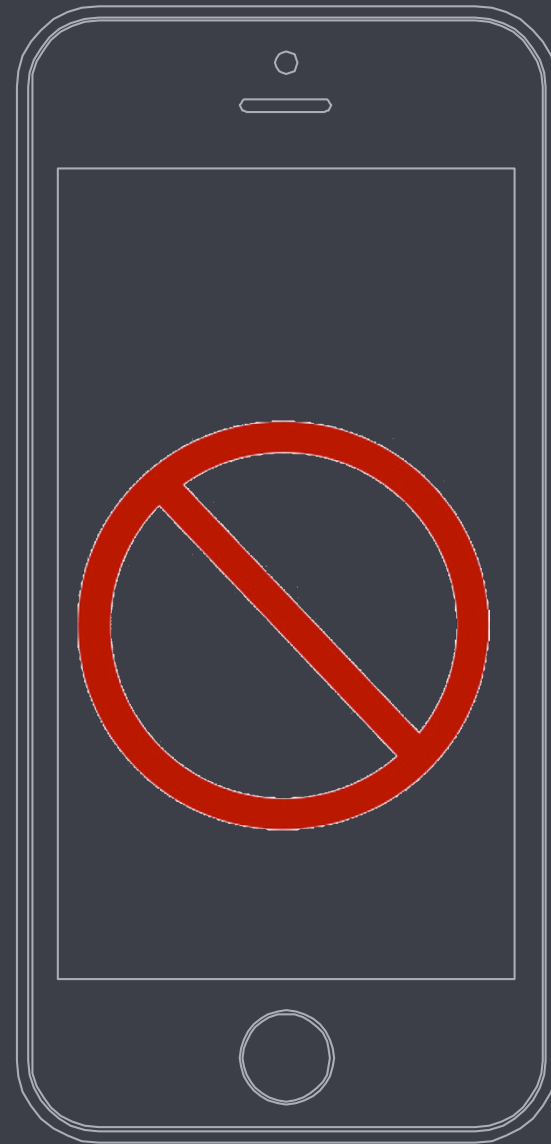
Co-mother-to-be
nationality allows
co-maternity



CASE 2

Birth mother
nationality allows
co-maternity

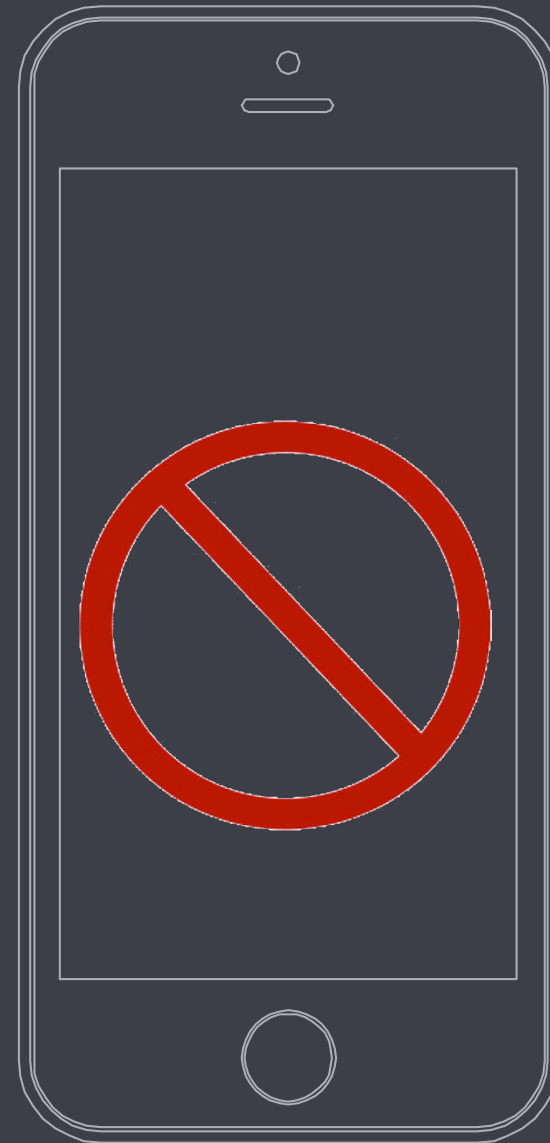
Co-mother-to-be
nationality does not
allow co-maternity



CASE 3

Birth mother
nationality does not
allow co-maternity

Co-mother-to-be
nationality does not
allow co-maternity



CASE 4

Birth mother
nationality does not
allow co-maternity

Co-mother-to-be
nationality allows
co-maternity



Thanks!

ANY QUESTIONS?

You can find me at

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