

German Court Expands Adoption Rights of Gay Couples

Germany's constitutional court handed same-sex couples a victory on Tuesday by ruling that gay people should be allowed to adopt a child already adopted by their partner.

The court said an existing ban on the practice—known as successive adoption—violated the principle of equal treatment of people regardless of their sexual orientation.

It said the status quo also harmed the rights of the children involved.

“The exclusion of successive adoption by registered partners violates the general principle of equality,” said the court, based in Karlsruhe in southwest Germany.

The government has until July 2014 to amend the law to incorporate the ruling, which applies to gay people in civil partnerships.

Under German law, a gay person can already adopt the biological children of his or her registered partner.

In Germany homosexuals can form civil partnerships but are not allowed to marry. The law already allows a married person to adopt a partner's adopted children.

Opposition parties and **gay activists** accuse Chancellor Angela Merkel's center-right government of dragging its feet on equality for gay couples. Civil partnerships are denied the tax privileges accorded to married couples.

Lawmaker Volker Beck of the opposition Greens said on Tuesday the government was failing in its responsibilities by leaving the constitutional court to tackle issues of gay equality on a case-by-case basis.

“The federal constitutional court has already said in many other cases in the past that there can be no differentiation made between marriage and civil partnerships when there are no good grounds for it,” he told German radio.

Merkel’s spokesman Steffen Seibert told a briefing on Tuesday the government would study the ruling to decide how best to proceed in amending the law. “The wellbeing of the children will always be the benchmark for the government,” he said.

Two lawmakers from the liberal Free Democrats, Merkel’s junior coalition partner, welcomed the ruling.

“Gay men and lesbians make just as good parents as heterosexual men and women. Thousands of children are growing up already in ‘rainbow’ families,” said Stephan Thomae and Michael Kauch in a joint statement.

In a separate case, an Austrian lesbian couple who want to jointly raise one partner’s biological child won their case at the European Court for Human Rights, which ruled on Tuesday that Austria’s adoption laws discriminated against gay people on that issue.

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