
Surrogacy: European Court of Human Rights, legitimate to say no to registration of birth certificates of children. Adoption is the suggested path

“Couples’ desire to see the parent-child relationship with the intended parents recognised did not collide with a general and absolute impossibility, since they had the option of adoption and did not use it”. This is how the judges of the European Court of Human Rights in Strasbourg explained their decision stating that the Italian State is not obliged to automatically register the birth certificates of children born through gestational surrogacy. Indeed, the Court rejected as inadmissible the appeals against Italy, lodged by some same-sex couples and by one heterosexual couple, seeking to condemn the ban imposed by the State on the registration of the birth certificates, legally recognised abroad, of children born through gestational surrogacy. The Court had made a similar decision in 2021 on a case concerning Iceland. The Strasbourg decision comes in the middle of the parliamentary process called for by the Government to declare surrogacy a “universal crime”, just a few days after the decision by the Public Prosecutor's Office of Padua to challenge 33 registrations of birth certificates of children born through surrogacy.

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