



Press Office of the Constitutional Court

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*Press release of 28 January 2021*

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## THE LEGISLATOR MUST FIND BETTER WAYS TO PROTECT CHILDREN BORN OVERSEAS THROUGH SURROGACY

The Constitutional Court, meeting in chambers today, examined the questions as to constitutionality raised by the Supreme Court of Cassation concerning the impossibility, in Italy, to recognize a foreign court order attributing parental status to two Italian male civil partners who had a child through surrogacy.

Pending filing of the judgment, the Press Office of the Constitutional Court informs the public that the question has been declared inadmissible.

According to the Court – without prejudice to the ban on surrogacy, which remains enforced on pain of criminal sanctions – the current legal framework does not guarantee full protection for children born through surrogacy.

Because different solutions are available, the Court considered that it could not intervene, out of due respect for legislative discretion; however, it also stated that it was necessary for the legislator to intervene.

The reasons for the judgment will be filed in the coming weeks.

Rome, 28 January 2021