

## The Protection of the *Status Filiationis* in the Event of Surrogate Motherhood

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*Surrogate motherhood is a highly debated issue for which there is now considerable case law because it calls into question the role of women and the meaning of motherhood. However, adequate protection for the multiple interests at stake has yet to be offered. This is especially true in legal systems whose lawmakers have been slow to intervene or are entrenched in absolute prohibitions, unable to restrict the phenomenon of procreative tourism. The rulings by the European Court of Human Rights as well as domestic courts have gradually exhibited diversity in balancing the best interests of the child with other interests and values worthy of protection. This essay reconstructs the recent case law of the European Court of Human Rights and offers some reflections on the current state of the protection of children born through surrogacy.*

**Keywords:** *Status Filiationis*; Surrogate motherhood; European Court of Human Rights; Best interests of the child

### Introduction

The practice of surrogate motherhood is an issue widely debated in jurisprudence from a variety of viewpoints – moral, philosophical, ethical, sociological, and juridical – because this phenomenon calls into question the role of women and the meaning of motherhood<sup>1</sup>.

From a legal point of view, this phenomenon touches on various values and interests, all worthy of protection, above all, that of the child conceived through surrogacy knowing his or her origins. Moreover, his/her unconditional acceptance in society – regardless of his/her birth circumstances – requires protection. The fact is, his/her abandonment had already been planned prior to conception<sup>2</sup>.

Then there is the question of whether this practice may be considered compatible with full respect for women's health and dignity because the pregnant woman is not always adequately informed of the health risks, especially in with regard to people with low levels of education<sup>3</sup>. Moreover, there is a clear risk of exploitation of women by partners, family members, and unscrupulous organisations: What is sometimes presented as a woman's autonomous choice can thus become an object of exploitation and commodification of the female body. Part of the legal literature holds that even "altruistic" surrogacy disrespects women's dignity: When a woman undertakes a pregnancy, she is taking part with her own personality and intelligence that can never be surrogated because,

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<sup>1</sup>Poli (2015) at 7-28.

<sup>2</sup>Ergas (2013) at 117.

<sup>3</sup>Sgorbati (2016) at 111-129.

otherwise, the procreative component of human nature would be degraded<sup>1</sup>.

There is also the interest of those unable to bear children, unwilling to renounce parenthood, holding that nature cannot thwart their procreative aspirations. They then may dare to adopt behaviour that breaches the prohibitions put in place by lawmakers.

In any case, surrogate motherhood, like all complex issues, given the multiple interests involved and its many implications, is destined to continue prompting new reflections. It is, therefore, a subject that lawmakers have struggled or been slow to deal with, also because the possibilities for surrogacy that may emerge differ greatly. Consequently, doubts as to legitimacy would arise if one single juridical regime were adopted. On the other hand, a surrogacy law may be unable to adequately cover the variety of cases that may ensue.

These difficulties are heightened by the lack of regulation on an international level<sup>2</sup>: Even if countries wish to maintain their freedom to choose whether or not to adhere to a regulatory regime, establishing at least certain common principles, it is clear that a total absence of rules raises additional complications when potential parents in a country that does not permit or that strongly limits surrogacy, visit another country where surrogacy is allowed, in order to realise their parenthood plan.

The absence or death of adequate regulation requires case law to deal with and resolve cases that may take place with ever-increasing frequency, leading to additional problems. Very different perspectives may be adopted, especially at the various levels of justice. Decisions may consequently be overturned or proceedings over-extended with inevitable repercussions, namely in terms of protecting the interests of the child.

In recent years, multiple interventions by domestic and international courts, in their reconstructions and decisions, have focused increasingly on the primacy of the interests of the child. However, quite often they are invoked as irrefutable grounds, lacking analysis of the multiple components involved<sup>3</sup>.

This essay will focus expressly on the recent law cases of the European Court of Human Rights (ECtHR) on the issue of *status filiationis* and the possible consequences in the legal systems of member states.

## The Cases of the European Court of Human Rights

The rulings of the European Court of Human Rights (ECtHR) in the matter of surrogate motherhood and *status filiationis* are numerous: in the brevity of my reconstruction, the first judgements to be taken into consideration are those relating to the *Mennesson v. France*<sup>4</sup> and *Labassee v. France*<sup>5</sup> cases<sup>6</sup>. However, these decisions are the result of a previous law case.

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<sup>1</sup>Niccolai (2017) at 2990-3000.

<sup>2</sup>Trimming & Beaumont (2011) at 633-647.

<sup>3</sup>Lamarque (2016) at 105.

<sup>4</sup>ECtHR, sect. V, judgement of 26 June 2014, Application No. 65192/11, *Mennesson v. France*.

<sup>5</sup>ECtHR, sect. V, judgement of 26 June 2014, Application No. 65941/11, *Labassee v. France*.

<sup>6</sup>D'Avout (2014) at 1806-1810.

### **The *Mennesson* and *Labassee* Judgements**

Two French couples had used surrogacy in the United States. In both cases, the egg was from an anonymous donor, while the male gametes were from the spouse. The couples were unable to enter the foreign birth certificates into the French registers of births, marriages and deaths, due to the prohibition against surrogacy established in their country.

According to the ECtHR, this refusal was an illegitimate interference, because it was disproportionate to the purpose of safeguarding the principle of non-disposability of the person upon which the express prohibition of gestational surrogacy is based. In fact, this refusal produced very serious consequences to the best interests of the child: The position of juridical illegitimacy prevents the child from acquiring a French passport and citizenship. It also raises risk regarding the ability to stay in the state's territory. It also raises a whole series of potentially highly damaging civil-law consequences. Therefore, the ECtHR found it necessary to protect the parent-child relationship as an expression of the children's private lives, thereby affirming the primacy of biological parenthood as an inescapable component of each, individual identity.

The Strasbourg Court – while according a broad discretionary margin of appreciation to the individual states on the issue of surrogate motherhood – given the delicate ethical content – ruled that this margin was exceeded in the event of refusal of legal recognition of the parent-child relationship between the child and the intended father when the latter was also the biological father.

### **The *Paradiso/Campanelli* Judgements**

The ECtHR dealt with the issue of surrogacy in the absence of a biological link between the intended parents and the child in *Paradiso and Campanelli v. Italia*. In fact, the proceedings arose from the refusal to register the birth certificate of a child born in Russia following a surrogacy arrangement, on the grounds that it violated public law due to alteration of registry *status* because the two applicant spouses were falsely registered as the child's parents on the birth certificate.

In the first judgement<sup>1</sup>, the Court found that the removal ordered by the Italian authorities contravened Art. 8 of the European Convention on Human Rights (ECHR), because it was a case of illegitimate interference prohibited by that provision, given the harmful consequences to the child's personal identity. The ECtHR thus confirmed its orientation towards considering *de facto* family bonds (regardless, then, of biological ones) as subject to the guarantees established by the cited article, because it was an orientation functional to and consistent with the principle of the best interests of the child.

Italy then requested to refer the case to the Grand Chamber of the European Court, which overturned the outcome of the judgement. Moreover, the Grand

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<sup>1</sup>ECtHR, sect. II, judgement of 27 January 2015, Application No. 25358/12, *Paradiso and Campanelli v. Italia*.

Chamber<sup>1</sup> ruled out that the bond established between the applicant couple and the child born to a surrogate mother was *de facto* ‘family life’ for the purposes of application of Art. 8 ECHR on two grounds: the lack of a biological tie between the spouses and the child, and the short duration of the relationship with the child, marked also by legal uncertainty due to the two spouses’ unlawful behaviour<sup>2</sup>.

In particular, the Grand Chamber held that in the case in point, the immediate and irreversible separation from the minor child had certainly had an impact on the applicants’ private lives. However, this interference was justified since it was provided for by law, necessary for the protection of a higher interest identified as the priority need to protect the child. There was, therefore, no breach of Art. 8 of the Convention. The measures taken by the Italian authorities were deemed proportionate to the child’s priority interest and indispensable in circumventing the potential consideration of a situation (created in breach of important rules of domestic law) as legitimate. Therefore, the Italian judges guaranteed a fair balance between the different interests at stake, while remaining within the limits of the wide margin of appreciation available to them in the present case<sup>3</sup>.

The case law of the European Court of Human Rights during the period of 2014-2017 seems to arrive at the following conclusions: The minor child’s higher interest may be deemed as met when a biological tie with at least one parent and a well-established parental relationship coexists since, in this case, the parent-child relationship may also be recognised for the intended mother with whom there is no biological tie with the child. Conversely, in the absence of a genetic tie between the adults and the child, taking into account the brief duration of the relationship and of the uncertainty of the legal relationships arising from unlawful conduct, no *de facto* family life based on Art. 8 of the ECHR may be recognised.

### **The Opinion Rendered by the ECtHR Based on Protocol No. 16**

The referral for consultation brought by the French Court of Cassation rests on these bases<sup>4</sup>: In particular, the Court of Cassation intended to urge the ECtHR to make some specifications on the outcomes of past rulings in the matter of surrogate motherhood. The opinion was requested precisely in the context of the re-examination of the *Mennesson* case.

After the *Mennesson* and *Labassee* decisions, the national case-law orientation changed because the existence of a surrogacy arrangement was no longer understood as an absolute impediment to entering a foreign birth certificate into the French birth registries, provided that the certificate was not forged or irregular, and that the facts declared therein corresponded with biological reality. Therefore, the intended father – when he is also the biological father – may ask for the registration of the birth certificate of the child born through surrogacy, stating the

<sup>1</sup>ECtHR, Grand Chambre, judgement of 24 January 2017, Application No. 25358/12, *Paradiso and Campanelli v. Italia*.

<sup>2</sup>ECtHR, Grand Chambre, *Paradiso and Campanelli v. Italia*, §§ 151-158.

<sup>3</sup>ECtHR, Grand Chambre, *Paradiso and Campanelli v. Italia*, § 215.

<sup>4</sup>ECtHR, Grand Chambre, advisory opinion of 10 April 2019, Request No. P16-2018-001.

parent-child relationship with the father.

However, according to the French Court of Cassation, the ECtHR provided no indications on the position of the intended mother with whom there is no biological link and, more importantly, on the State's obligations.

The French Court, therefore, brought two requests before the ECtHR: In the first case, it asked whether the margin of appreciation available to the State included the possibility of refusing to register a birth certificate of a child born abroad through surrogacy, when the intended mother is indicated as the legal mother, while accepting registration insofar as the certificate designates the father with whom there is a biological link. In this case, it found it necessary to clarify whether distinctions ought to be made depending on whether or not the intended mother's genetic material is used in the fertilisation process.

In the second case, the French Court of Cassation asked whether, in the event of an affirmative answer, the possibility for the intended mother to establish a mother-child relationship by adopting the child of her spouse – the biological father – may allow the State to comply with Art. 8 of the ECHR.

The response to the queries focused on two elements deemed fundamental by the Court: the best interests of the child and the margin of appreciation available to the states<sup>1</sup>.

As regards the first parameter, the Court refers to its own case law, in which it affirmed that this value is paramount<sup>2</sup>. First, the Court refers to the *Mennesson* and *Labassee* decisions, in which it had the opportunity to observe that a state may wish to deter its nationals from going abroad to take advantage of methods of assisted reproduction that are prohibited in its own territory. Nevertheless, it observed that the effects of the non-recognition of the parent-child relationship between children thus conceived and the intended parents were not limited to the parents alone, but they also affected the children themselves, with negative effects especially with respect to their private lives. If the parent-child relationship were to remain uncertain, the children would encounter difficulties, for example, in accessing their own citizenship, in maintaining residence with the mother, and in obtaining inheritance rights<sup>3</sup>.

The Court holds that the best interests of the child do not reside only in the protection of the right to private and personal life, because other elements must be taken into account – such as the right to know one's origins and the need to be protected from abuse – that do not weigh in favour of recognition of the parent-child relationship with intended parents<sup>4</sup>. Nevertheless, giving primary importance to the interests of the child also involves identifying persons responsible for his or her growth and upbringing, as well as the child's potential to live and develop in a stable environment.

Therefore, the Court finds that a general and absolute impossibility of establishing the parent-child relationship with the intended mother is, in fact, incompatible with the best interests of the child. A careful examination must,

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<sup>1</sup>ECtHR, Grand Chambre, advisory opinion, § 37.

<sup>2</sup>§ 38.

<sup>3</sup>§§ 39-40.

<sup>4</sup>§ 41.

therefore, be made in light of the particular circumstances of the case.

As regards the margin of appreciation, the Court observes – as already specified in the *Mennesson* and *Labassee* decisions – that these are sensitive ethical and moral issues involving multiple interests. For these reasons, the margin of appreciation must be wide, moreover, because there is no consensus on the issue of surrogacy<sup>1</sup>. However, when a particularly important facet of a person's identity is at stake, as where the legal parent-child relationship is concerned, the margin must be restricted. This applies with greater force in this case because other essential aspects of personal identity come into play, such as determining the environment in which the child must live, and the persons responsible for his or her development<sup>2</sup>.

Following these premises, the ECtHR goes on to examine the two queries. Regarding the first, it finds that, given the best interests of the child and the reduced margin of appreciation available to the state, domestic law must provide a possibility of recognition of the parent-child relationship of a child born abroad through a surrogacy arrangement with the intended mother, designated in the foreign birth certificate as the 'legal mother'<sup>3</sup>. Moreover, the Court states that, although this is not the case in this matter, the possibility of recognizing this relationship appears even more necessary when the surrogacy procedure has used the intended mother's biological material<sup>4</sup>.

As to the second query, it is certainly in the child's interests for the uncertainty surrounding the legal relationship with his or her intended mother to be as short-term as possible. Otherwise, the child will be in a vulnerable position with regard to several aspects of his or her rights in respect to private life<sup>5</sup>. However, according to the Court, this does not mean that states are obliged to opt for registration of the details of birth certificates established abroad<sup>6</sup>.

The Court observes that the procedures, where the establishment of a parent-child relationship between the child and the intended parent is possible, vary from country to country, and finds that the choice of permitting this recognition falls within the states' margin of appreciation<sup>7</sup>. Therefore, Art. 8 of the ECtHR does not impose an obligation to recognise *ab initio* a parent-child relationship between the child and the intended mother. Only when this becomes a practical reality, it is for the national authorities to make this judgement<sup>8</sup>. One solution for recognizing this relationship is, for example, adoption, provided that the procedure enables a decision to be taken rapidly, and the competent national authority assesses the child's best interest in light of the circumstances of the case<sup>9</sup>. In particular, the Court does not require an *ad hoc* procedure introduced to regulate these cases connected to surrogacy: What is important is that the procedure be carried out

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<sup>1</sup>§ 43.

<sup>2</sup>§§ 44-45.

<sup>3</sup>§ 46.

<sup>4</sup>§ 47.

<sup>5</sup>§ 49.

<sup>6</sup>§ 50.

<sup>7</sup>§ 51.

<sup>8</sup>§ 52.

<sup>9</sup>§§ 54-55.

promptly to reduce the time of uncertainty in the relationship between the child and the intended mother and, at the same time, for it to permit practical appreciation in protecting the overarching interests of the child.

Accordingly, the Strasbourg Court's effort to give content to the principle of the best interests of the child is quite clear, especially when it specifies that the main purpose must be to give the child a stable environment in which to develop, with persons who take on the responsibility of raising and loving him or her.

The most recent rulings of the ECtHR have confirmed the guidelines just outlined.

### **The Consolidation of the Opinion in Subsequent Rulings of the ECtHR**

In fact, the contents of the opinion were then merged into subsequent rulings adopted in litigation by the ECtHR<sup>1</sup>.

Therefore, ECtHR confirms the need, pursuant to Art. 8 of the ECHR, that children born through surrogacy – even in states that prohibit the use of such practices – obtain legal recognition of the filiation bond with both partners of the couple who wanted the birth and then concretely undertook that concern<sup>2</sup>.

States may not allow the document transcription of foreign civil *status* s or the judicial measures that recognise the status of father or mother to the parent of intention from the birth of the child in order to not incentivise, even if only indirectly, a procreative practice that can be considered potentially harmful to the rights and dignity of women who agree to carry the pregnancy to term on behalf of third parties.

Nevertheless, the Strasbourg Court reiterates the need for each member state to grant the concrete possibility of the legal recognition of the links between the child and the intended parent no later than when such links are in fact materialised<sup>3</sup>. However, each state has wide discretion in the choosing the means by which to achieve this result, including recourse to the adoption of the child.

In particular, the ECtHR underscores that the latter solution can be considered sufficient to guarantee the protection of the rights of minors to the extent that it is capable of constituting a true *status filiationis* between the adopter and the adoptee<sup>4</sup>, and to the extent that the procedures contemplated by domestic law guarantee the effectiveness and speed of its implementation in accordance with the best interests of the child<sup>5</sup>.

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<sup>1</sup>ECtHR, sect. V, judgement of 16 July 2020, Application no. 11288/18, *D. v. France*, and sect. V, decision of 19 November 2019, Application No. 1462/18 and No. 17348/18, *C. v. France and E. v. France*.

<sup>2</sup>ECtHR, *D. v. France*, § 64.

<sup>3</sup>ECtHR, *C. v. France and E. v. France*, § 42, and *D. v. France*, § 67.

<sup>4</sup>ECtHR, *D. v. France*, § 66.

<sup>5</sup>ECtHR, *D. v. France*, § 51.

## Conclusion

Developing case law shows how biological truth is an essential component of the individual, but not the only one, because other components must also be considered.

This makes it increasingly clear that lawmakers must contend with the issue of surrogacy because the lack of adequate regulation to protect the best interests of the child may also raise doubts about constitutionality. This is what happened recently in Italy.

Recently, the ruling<sup>1</sup> of the Constitutional Court invited the lawmaker to remedy the current situation of insufficient protection of the interests of the minor, i.e. to regulate the possibility for the intended parent, without biological ties, to recognise a real parent-child relationship with the child born through surrogacy.

The Constitutional Court considers that the non-transcribability of the foreign court order or of the original birth certificate indicating the intended father as the parent of the child does not conflict with the ECtHR, in light of the ECtHR rulings, nor with the Constitution. However, the ECtHR and the principles derived from the Constitution require that the child's interests be protected in the legal recognition of his/her relationship with both members of the couple who wanted the child to be born in a foreign country in accordance with the *lex loci* and who have looked after him/her by exercising *de facto* parental responsibility. Such protection must be ensured through an effective and speedy adoption procedure that recognises the fullness of the *status filiationis* between the adopter and the adoptee when it has been concretely ascertained that it corresponds to the interests of the child. Any solution that does not offer the child any possibility of such recognition would result in the exploitation of the minor in the name of the legitimate aim of discouraging the use of surrogacy<sup>2</sup>.

In particular, the Constitutional Court, changing its previous orientation, states that “adoption in particular cases” (Article 44, paragraph 1, letter d), law No. 184/1983) is a form of protection of the interests of the minor, but is not entirely adequate on the basis of constitutional and supranational principles. Adoption requires the necessary consent of the biological parent, which may not be provided in situations of supervening crisis of the couple and, in any case, does not attribute parenting to the adopter<sup>3</sup>.

The Constitutional Court concludes by stating that the task of adapting the law effective to the needs of protecting the interests of children can only be made by the lawmaker, within a significant margin of choice in identifying the solution that best balances the rights and the principles at stake and, in particular, between the legitimate purpose of discouraging the use of surrogate motherhood and the essential need to ensure that the rights of minors are respected<sup>4</sup>.

Furthermore, the Constitutional Court specifies that the identification of solutions capable of remedying the current situation of insufficient protection of

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<sup>1</sup>Constitutional Court, judgement of 9 March 2021, No. 33.

<sup>2</sup>Constitutional Court, § 5.7.

<sup>3</sup>Constitutional Court, § 5.8.

<sup>4</sup>Constitutional Court, § 5.9.



the minor's interests can no longer be deferred<sup>1</sup>.

It is clear that, in the event of non-compliance by the lawmaker, if a new question is submitted to the Constitutional Court, it will not stop there. By pronouncing a judgement of unconstitutionality, the court will be able to replace the lawmaker and choose the solution that it deems most appropriate.

The case in question highlights how the case law of The ECtHR has contributed to changing the case law of the Italian Constitutional Court by clarifying that the interest of the minor, while having to be balanced with the multiple interests and values at stake, has a central role.

Therefore, it has been recognised that domestic law must give protection to the child by guaranteeing his or her right to establish a legal parent-child relationship that cannot be differentiated on the basis of the procreative modalities<sup>2</sup>. Hence, to protect the best interests of the child and the principle of equality itself, the lawmaker must take charge of removing those legal obstacles that prevent the recognition of a full and effective *status filiationis* even with an intended parent without biological ties.

## References

- Abdullah, F.M. (2019). 'Legal and Ethical Aspects Beyond Commercial Surrogacy: Modern Form of Human Trafficking' in *Journal of Legal, Ethical and Regulatory Issues* S 22(1):1-7.
- Aznar, J. & M. Martínez Peris (2019). 'Gestational Surrogacy: Current View' in *The Linacre Quarterly* 86(1):56-67.
- Bin, R. (2016). 'Maternità surrogate: ragioni di una riflessione' in *BioLaw Journal* 3(2):1-6.
- Boele-Woelki, K., Dethlof, N. & Gephart, W. (eds.) (2014). *Family Law and Culture in Europe: Developments, Challenges and Opportunities*, Antwerpen: Intersentia.
- Bromfield, N.F. & K.S. Rotabi (2014). 'Global Surrogacy, Exploitation, Human Rights and International Private Law: A Pragmatic Stance and Policy Recommendations' in *Global Social Welfare* 1:123-135.
- Carone, N. (2016). *In origine è il dono. Donatrici e portatrici nell'immaginario delle famiglie omogenitoriali*, Milano: il Saggiatore.
- D'Avout, L. (2014). 'La 'reconnaissance' de la filiation issue d'une gestation pour autrui à l'étranger, après les arrêts Mennesson et Labassee' in *Recueil Dalloz* 31: 1806-1810.
- Davis, E. (2012). 'The Rise of Gestational Surrogacy and the Pressing Need for International Regulation' in *Minnesota Journal of International Law* 21(1):120-144.
- Ergas, Y. (2013). 'Babies Without Borders: Human Rights, Human Dignity, and the Regulation of International Commercial Surrogacy' in *Emory International Law Review* 27(1):117-188.
- Gerber, P. & O'Byrne, K. (eds.) (2015). *Surrogacy, Law and Human Rights*, London: Routledge.
- Gervasi, M. (2018). 'The European Court of Human Rights and Technological Development: The Issue of the Continuity of the Family Status Established Abroad Through Recourse to Surrogate Motherhood' in *Diritti umani e diritto internazionale* 2:213-242.

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<sup>1</sup>Constitutional Court, § 5.9.

<sup>2</sup>This was already expressed by the German Federal Court (BGH, 5.9.2018, XII-ZB 224/17), confirming a previous ruling of 10 December 2014 (XII-ZB 463/13), precisely with regard to the transcription of the deed of birth drawn up abroad of a child procreated using gestation for others.

- Golombok, S. (2017). *Famiglie moderne: genitori e figli nelle nuove forme di famiglia*, Milano: Edra.
- Healey, J. (2019). *Reproductive ethics*, Thirroul: The Spinney Press.
- Igareda Gonzáles, N. (2019). 'Regulating Surrogacy in Europe: Common Problems, Diverse National Laws' in *European Journal of Women's Studies* 26(4):435-446.
- Lafuente Funes, S. (2021). *Mercados reproductivos: crisis, deseo y desigualdad*, Pamplona: Katakarak.
- Lamarque, E. (2016). *Prima i bambini. Il principio dei best interests of the child nella prospettiva costituzionale*, Milano: Franco Angeli.
- Lenti, L. (2015). 'Paradiso e Campanelli c. Italia: interesse del minore, idoneità a educare e violazioni di legge' in *Quaderni costituzionali* 2: 472-475.
- Niccolai, S. (2017). 'La regola di giudizio. Un invito della Corte a riflettere sui limiti del volontarismo' in *Giurisprudenza costituzionale* 6:2990-3000.
- Paprocka, A. & M. Ziolkowski (2015). 'Advisory opinions under Protocol No. 16 to the European Convention on Human Rights' in *European Constitutional Law Review* 11(2):274-292.
- Pezzini, B. (2017). 'Nascere da un corpo di donna: un inquadramento costituzionalmente orientato dall'analisi di genere della gravidanza per altri'. *Costituzionalismo.it* 15(1). <https://www.costituzionalismo.it/nascere-da-un-corpo-di-donna-un-inquadramento-costituzionalmente-orientato-dallanalisi-di-genere-della-gravidanza-per-altri/>.
- Picchi, M. (2020). 'La tutela del rapporto di filiazione in caso di maternità surrogata: arresti giurisprudenziali e prospettive'. *Federalismi.it* 19(29). <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=44278>.
- Poli, S. (2015). 'Maternità surrogata e diritti umani: una pratica controversa che necessita di una regolamentazione internazionale' in *BioLaw Journal* 3:7-28.
- Pozzolo, S. (2016). 'Gestazione per altri (ed altre). Spunti per un dibattito in (una) prospettiva femminista' in *BioLaw Journal* 2:93-110.
- Riggs, D.W. & C. Due (2018). *A Critical Approach to Surrogacy. Reproductive Desires and Demands*, London: Routledge.
- Salone, B. (2016). 'La maternità surrogata in Italia: profili di diritto interno e risvolti internazionaliprivatistici' in *BioLaw Journal* 2:39-71.
- Serravalle, S. (2018). *Maternità surrogata, assenza di derivazione biologica e interesse del minore*, Napoli: Edizioni Scientifiche Italiane.
- Sgorbati, B. (2016). 'Maternità surrogata, dignità della donna e interesse del minore' in *BioLaw Journal* 2:111-129.
- Shannon, T.A. (1989), *Surrogate Motherhood: The Ethics of Using Human Beings*, New York: Crossroad.
- Stefanelli, S. (2021). *Procreazione medicalmente assistita e maternità surrogata: limiti nazionali e diritti fondamentali*, Milano: Giuffrè.
- Teman, E. (2008) 'The Social Construction of Surrogacy Research: An Anthropological Critique of the Psychosocial Scholarship on Surrogate Motherhood' in *Social Science and Medicine* 67(7):1104-1112.
- Trimming, K. & P. Beaumont (2011). 'International Surrogacy Arrangements: An Urgent Need for Legal Regulation at the International Level' in *Journal of Private International Law* 7(3):627-647.
- Vesto, A. (2018). *La maternità tra regole, divieti e plurigenitorialità. Fecondazione assistita, maternità surrogata, parto anonimo*, Torino: Giappichelli.
- Winkler, M. & K.T. Schappo (2019). 'A Tale of Two Fathers' in *The Italian Law Journal* 5:359-387.
- Zehelein, E.S. (2018). 'Reproductive Justice and (the Politics of) Transnational Gestational Surrogacy' in *American Quarterly* 70(4):889-901.