

# The Telegraph

## Italian court recognises gay parents in landmark ruling



[Josephine McKenna](#), Rome

28 February 2017 • 11:59pm

An Italian court has ruled for the first time that two gay partners should be legally recognised as the fathers of two surrogate children. In a landmark ruling, the Court of Appeal in the northern city of Trento decided that both men can be officially named as the father - not just the parent who is biologically related.

The children, now aged seven, were born to a surrogate mother in Canada through artificial insemination and neither they nor their fathers have been identified.

In their decision, the judges said in Italy parental relationships should not be determined only by the biological link.

"On the contrary, one must consider the importance of parental responsibility, which is manifested in the conscious decision to raise and care for the child," they said.

Details of the decision were published on Tuesday on Article 29, a website that refers to an article regarding family in the Italian Constitution.

It said the decision made on February 23 had "great significance", as it is the first time an Italian court has ruled that a child has two fathers, while also recognising the need to safeguard the needs of the child.

“This is a recognition of full parenthood, in other words, not adoption,” said the couple’s lawyer, Alexander Schuster. “It has recognised for the first time a foreign provision that gives the second father the status of a parent.”

The ruling was immediately hailed as an important precedent by gay activists and support groups.

“In the absence of clear laws we hope now that all Italian courts follow the same path,” said Marilena Grassadonia, president of gay parents’ group, Famiglie Arcobaleno (rainbow families).

“It is the only way that we can safeguard our children.”



*Angelino Alfano has said that proposal to let partners adopt stepchildren subverts family values Credit: AFP*

Italian law currently prevents couples from using a surrogate mother, and in theory, anyone caught entering into a surrogacy arrangement faces up to two years in prison and a fine of up to a million euros.

Two years ago, a child was removed from parents who had paid a surrogate mother in Ukraine. The couple were charged with fraud and the child put up for adoption.

In 2016, [during debate over Italy's same-sex unions bill](#), the current foreign minister, [Angelino Alfano, sparked outrage when he said that surrogacy should be treated as a “sex crime”](#). The Italian parliament approved civil unions between homosexuals last May despite fierce resistance from the Catholic Church and conservative politicians.