



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

FAMILY ASSISTED NEGOTIATION: THE UNSTOPPABLE PROCESS OF PRIVATIZATION OF THE RELATIONSHIP BETWEEN SPOUSES TO THE DETRIMENT OF THE MINOR'S RIGHT TO BE LISTENED

The essay examines the powers of the Public Prosecutor and the President of the Court in the so called “family assisted negotiation” (article 6, decree 132/2014), with particular reference to the role of the spouses' will in the overall procedure and to the deflationary needs as well as to the procedural economy that are emphasized in the phases that take place before both magistrates. It also addresses the problem of the lawmaker's failure to foresee the right to listen the minor by the Public Prosecutor and the President of the Court, pointing out, among other things, the contrast between this omission and the indications coming from various supranational sources and proposing some solutions to overcome it.