



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

«*SAME SEX*» COUPLES AND HOMO-PARENTING

In the Italian legal system - as in the German and French one, but the situation is not dissimilar in England, Spain and in most of the other European systems - the evolution of the family model is in the sense of pluralization in order to protect the inviolable rights of man.

The analysis of legislation in Germany and France reveals how, with particular reference to homosexual couples, marriage for all is now recognized («Ehe für alle» and «mariage pour tous»). While in Italy, same sex couples are allowed solely to registered civil partnerships.

The real central point of the issue is still today the problem of homo-parenting and, in particular, the possibility that a same sex couple can access medically assisted procreation techniques.

To try to find a solution, it is necessary to explore the system in its entirety (also in the light of European and supranational law) and drawing on the axiological order of values expressed by a social congress at a given historical moment, thus taking into consideration and reconciling at the same time the particular interest of the couples who intends to include a child in their nucleus, the general interest of the community connected to the best interests of the child, the personal freedom of self-determination with the dignity of person and, not least, the stability of family models.