



ITALIAN DELAY TO ADAPT ECHR'S RULING NO. 77/07 ON THE RIGHT OF A MOTHER TO GIVE HER SURNAME TO HER CHILD

Denial of the mother's right to give her surname to her children - and therefore the children's right to define their identity with reference to their mother's line of descent - is one of the strongest bulwarks of the patriarchal Italian system. It is a breach of the principle of equality between spouses, in terms of both their own relationship and their relationship with their children. The Constitutional Court, questioned on this point, though acknowledging the illegality of the customary rule that allows children to be given their father's surname only, deemed it essential and unavoidable that the national legislator should intervene on the matter. On several occasions, the Italian Parliament held discussions on how this particular relationship should be regulated based on the principles of both the current Italian and international legal systems, but concrete results were never achieved. Even the ECHR's condemnation of the Italian State for breaching the principle of non-discrimination in family relations did not lead to any changes. The so-called Garavini Bill, drafted for the purpose of Italy's adaptation to this ECHR ruling, has been approved by the Chamber of Deputies but has already been sitting untouched for several months pending discussion by the Senate.