

Procreazione assistita, procreazione eterologa: quali prospettive?

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Abstract: Thanks to the Italian and international jurisprudence on the issue, the statute n. 40 of 2004 is progressively losing its negative impact on the Italian medical practice. This effect is acknowledged by the 2012 governmental report on the implementation stage of the law: the report highlights a consistent increasing of the success rate in the medical treatments. The issue of artificial insemination with an external donor, which is absolutely prohibited by the Italian law, is still problematic. Contradictory signals have been given on the point by the European Court of Human Rights, and the Italian Constitutional Court has avoided, so far, to examine the matter in its merits. The prohibition appears in any case to be illegitimate in the light of the absence of negative effects linked to the presence of an external donor of gametes in the artificial insemination.

Keywords: Artificial insemination, Medical practice, External donor, Damages for the conceived.