

# *Studio Legale Gallo*

*Civile – Amministrativo*

Prof. Avv. Filomena Gallo

**To the President of the Grand Chamber  
of the European Court of Human Rights**

And  
Mr. Stanley Naismith  
Registrar  
Second Section  
European Court of Human Rights  
67075 Strasbourg-Cedex

**REQUEST FOR LEAVE TO INTERVENE  
in accordance with art. 36 §2 of the Convention**

in the case

**Rosetta Costa and Walter Pavan v. Italy**, No. 54270/10

on behalf of

**Associazione LUCA COSCIONI, PER LA LIBERTÀ DI RICERCA SCIENTIFICA**, registered office in Rome (Italy), via di Torre Argentina 76, legally represented by Filomena Gallo;

**Associazione AMICA CICOGNA ONLUS**, registered office in Salerno (Italy), Via R. Giordano 8, legally represented by its President Filomena Gallo ;

**Associazione CERCO UN BIMBO**, registered office in Rome (Italy), via della Marsica n. 19, legally represented by its President Federica Casadei;

**Associazione L'ALTRA CICOGNA ONLUS**, registered office in Quartu St. Elena (Cagliari - Italy) Via J.S.Bach n. 4, legally represented by its President Laura Pisano;

**Number Members of the Italian and the European Parliament 60**

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The non-governmental organizations here represented are genuinely concerned by the case *Costa and Pavan v. Italy* in the terms required by art. 36 §2 of the Convention (art. 44 §3 and 4 of the Rules of Court) and deem to be able to provide elements of facts, of law and other relevant considerations which could usefully assist the

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Court in its deliberation on the case, as it will be shown hereinafter. According to art. 44.1.b. of the Rules of the Court we respectfully ask the President of the Court to fix another time limit for the submission of this intervention.

## **I. On the direct concern of the requiring organisations**

The four applicants are well recognized Italian non-governmental organizations operating in the field of assisted reproduction:

- **Associazione LUCA COSCIONI** is by far the most notorious Italian NGO operating in the field of freedom of health care and scientific research; it counts more than 1.726 members and it enjoys a great visibility in Italian media and society due to its campaigns and its engagement in support of some very well-known cases. In the field of assisted procreation, the organisation animates an observatory on the application of the existing Italian legislation and promotes academic and political debates on its compatibility with the right of reproductive health.
- **Associazione AMICA CICOGNA ONLUS** has been operating in Italy in assisting couples with fertility problems since 1998. It offers free medical, psychological and legal advice in the field and to date has dealt with more than 2000 cases. AMICA CICOGNA animates an observatory of domestic and European legislation and jurisprudence on reproductive issues. It has also promoted the establishment of a commission of judicial assistance that supports patients, medical operators and lawyers in their initiatives to assert the fundamental rights connected with assisted reproduction. AMICA CICOGNA is a member of Fertility Europe, the association of European organizations and associations involved in fertility issues.
- **Associazione L'ALTRA CICOGNA ONLUS** has been established in 1997. It disseminates information and provide assistance on medical and legal issues of assisted reproduction. It also supports couples that have recourse to assisted reproduction or adoption on how to manage the issue in order to assure the well-being of their children. The NGO counts more than 350 associates and has so far supported more than 350 couples with fertility problems.
- **Associazione CERCO UN BIMBO** animates the leading on line portal on fertility issues in Italy with more than 36.000 registered members and 1.500 daily visitors. Through its staff of specialized medics, lawyers and patients it provides more than 50 forums on the different issues connected with assisted reproduction.

All the four non-governmental organisations have provided and currently provide legal assistance to couples in cases concerning the application of the Italian law on assisted procreation.

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## **II. On the specific competences of the requiring NGOs in the field of assisted reproduction**

The case of *Costa and Pavan v. Italy* reflects many real concerns of Italian people and couples therefore, if admitted to submit an *amicus brief*, the requiring organizations would be able to assist the Grand Chamber in its reflections on the case in many respects.

To start with, they are able to provide information and data to understand the political normative trend at the European level on the issue. Secondly, thanks to their direct engagement with the different constituencies involved in the issues of assisted procreation the four NGOs can convey to the Court the point of view of the different social forces on the content of the right to private life with respect to assisted procreation at the current stage of evolution. Moreover, due to the expertise acquired in years of consultancy and information they can provide elements on the current state of the art of medical science in the field.

In conclusion the four non-governmental organisations here represented deem to be able – due to their acquired expertise, visibility at the national and international level and representativeness – to offer to the Court relevant elements and information for its judgment, notably by providing elements of fact and of law concerning the several issues in discussion and their impact on domestic law orders, as explained above.

The four organisations therefore respectfully require in the proper interest of justice to be granted leave to submit a joint written statement within a reasonable lapse of time from the present request. They also require to be authorized to take part in the hearing of the case.

### **Number Members of the Italian and the European Parliament 60**

Camera Dei Deputati

Marco Beltrandi

Rita Bernardini

Maria Antonietta Farina Coscioni

Giuseppe Giulietti -

Sandro Gozi

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Andrea Zanoni

Roma, 13.10.2011

Prof. Avv. Filomena Gallo