

By the Judgement of 29 June 2021 No. 30-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 3, part 1 of the Federal Law “On additional measures of State support of families with children”.

This norm was subject to consideration insofar as it served as basis to decide on the possibility to afford the right to obtain maternity (family) capital to a man who was duly recognised as the only parent of children born for him with the use of assisted procreation technologies by a surrogate mother, where such man subsequently married and is upbringing these children with his wife who adopted them and did not acquire the right to measures of state support in accordance with this Federal law.

The challenged norm is recognised as not contradicting the Constitution of the Russian Federation insofar as it does not normally afford the relevant right to a man who was duly recognised a single parent (father) of children born for him by a surrogate mother.

The challenged norm was recognised to be in contravention with the Constitution of the Russian Federation insofar as it does not afford the right to maternity (family) capital to a man who was duly recognised a single parent (father) of children born for him by a surrogate mother, subsequently married and is upbringing these children together with his wife who adopted them.

Pending the necessary amendments to normative legal regulation the court considering the case in connection to which it submitted the request to the Constitutional Court of the Russian Federation for assessment of constitutionality of the challenged norm has the right to consider the case on the basis of the Constitution of the Russian Federation and the present Judgement.