THE EVOLVING CONCEPT OF FAMILY LIFE: NEW FAMILY FORMS AND THE LIMITS OF LEGAL RECOGNITION FROM EUROPEAN HUMAN RIGHTS STANDARDS TO NATIONAL FAMILY LAW PRACTICE

Arta MERO[1,*] Angel RISTOV[2], Bekim NUHIJA[3]

1 Faculty of Law, South East European University (SEEU), Tetovo, North Macedonia;
2 Faculty of Law "Iustinianus Primus", Ss. Cyril and Methodius University, Skopje, North Macedonia
3 Faculty of Law, South East European University (SEEU), Tetovo, North Macedonia
** Corresponding author e-mail: a.mero@seeu.edu.mk*

Abstract

The concept of "family life" has undergone significant transformation in contemporary European law, moving beyond the traditional model based on marriage and biological ties toward a more pluralistic understanding shaped by autonomy, care, and lived relationships. This paper examines that evolution through the lens of Article 8 of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, tracing how legal recognition has extended, unevenly and often cautiously, to unmarried and cohabiting couples, same-sex families, single-parent households, stepfamilies, and parenthood arising from assisted reproduction and surrogacy. Rather than treating these forms as isolated categories, the paper situates them within an analytical framework distinguishing biological, legal, and functional approaches to family membership, and asks whether European law is shifting decisively toward the functional model. Particular attention is given to the position of the child, whose best interests and right to identity increasingly operate as a normative boundary on how far legal recognition can and should extend. The analysis draws on European Court of Human Rights case law together with North Macedonia's Law on the Family and its 2008 Law on Assisted Biomedical Fertilization, in order to test how far domestic practice already reflects, or departs from, the ECtHR standard. In line with the congress theme "From Research to Application," the paper concludes by turning these doctrinal developments into concrete guidance for national legislators and courts, addressing how family law systems-including North Macedonia's, might respond to family diversity while preserving legal certainty and safeguarding children from the consequences of unresolved parental status disputes.

Keywords: *family life; European human rights law; new family forms; assisted reproduction and parenthood; best interests of the child*

1. Introduction: from the traditional family to family diversity

Family law across Europe faces a widening gap between social reality and legal categories. For most of the twentieth century, domestic family law statutes in North Macedonia had no separate family code or civil code; the field is instead regulated by its standalone Law on the Family (1992, as subsequently amended), which was organized around a single, relatively simple model: a married, heterosexual couple, biological parenthood, and a household understood as the natural and self-evident unit of legal protection. Since the second half of the twentieth century, however, rising rates of cohabitation and divorce, the growing visibility of same-sex partnerships, the diversification of parenting arrangements through step-parenthood and social parenthood, and the rapid development of assisted reproductive technology (ART) have multiplied the ways people organize domestic and parental life. Legal systems have had to adapt, often incrementally and under the direct or indirect pressure of supranational human-rights adjudication rather than through proactive domestic legislative initiative.

The central puzzle this raises for family law scholarship is not merely descriptive but normative: how far should the law extend recognition to relationships that depart from the traditional model, and on what basis biology, formal status, or lived social reality should that recognition be granted or withheld? This is not an abstract question. It determines whether a child has a legally certain parent, whether a partner can inherit, make medical decisions, or

claim maintenance, and whether a family that already functions as such is treated by the law as though it did not exist.

This paper does not stop at tracing the doctrinal evolution of the concept of family life. It aims to convert that evolution into guidance that is directly usable by national legislators and courts, including in North Macedonia and comparable regional legal systems that are gradually harmonising their family law with European human-rights standards. The paper's central research question is: how has the concept of "family life" evolved in contemporary European law, and to what extent should, and does, legal recognition extend to emerging family forms? Its central argument is that contemporary European family law is moving away from a single, biologically and maritally anchored definition of the family toward a more pluralistic understanding of family life, in which biological ties remain significant but are increasingly balanced against social relationships, individual autonomy, human dignity and, above all, the best interests and identity rights of the child, without this evolution amounting to unlimited or automatic recognition of every emerging family form.

Methodologically, the paper proceeds through doctrinal and comparative analysis of the case law of the European Court of Human Rights (ECtHR) under Article 8 of the European Convention on Human Rights (ECHR), read together with Article 14 ECHR and relevant provisions of the UN Convention on the Rights of the Child (CRC), and is grounded throughout in North Macedonia's Family Law and its 2008 Law on Assisted Biomedical Fertilization. Section 2 traces how the autonomous Convention concept of "family life" has been shaped by the ECtHR and proposes an analytical framework of three competing models: biological, legal, and functional. Section 3 applies that framework to cohabitation, same-sex partnerships, single-parent and stepfamilies, and post-divorce contact. Section 4 turns to assisted reproduction and the fragmentation of parenthood it produces. Section 5 examines surrogacy as the sharpest illustration of the limits of legal recognition. Section 6 places the child's best interests and right to identity at the centre of the analysis. Section 7 distills the case law into applicable principles, considers their implications for North Macedonia, and concludes the analysis. We checked all cited European Court of Human Rights judgments against the Court's official HUDOC database (https://hudoc.echr.coe.int/), and verified every cited domestic legal instrument against its official government or Official Gazette publication.

2. The evolving meaning of "family life" in European human rights law

2.1 Article 8 ECHR and the autonomous concept of family life

Article 8(1) ECHR guarantees everyone the right to respect for private and family life, subject to the limited justifications set out in Article 8(2). The Convention itself does not define "family life"; the notion has instead been developed by the ECtHR as an autonomous concept, independent of the classifications used in domestic law, and applied flexibly to the factual circumstances of each case. This interpretive choice has been decisive for the entire trajectory examined in this paper: because "family life" is a question to be assessed on its facts rather than a status conferred exclusively by marriage or biological descent, the Court has had the doctrinal room to extend Article 8 protection well beyond the marital, biological family as new social forms of family life have emerged across the Council of Europe's forty-six member states.

2.2 From formal status to functional reality: Marckx, Keegan and X, Y and Z v. United Kingdom

The foundational judgment is Marckx v. Belgium (1979), in which the Court held that Article 8 applies to the family life of the "illegitimate" family exactly as it does to that of the "legitimate" family, and that respect for family life implies a positive obligation on states to put in place legal safeguards enabling normal family life to develop from the moment of birth, irrespective of the parents' marital status. Marckx is significant not only for its result it required Belgium to abolish the unequal treatment of children born outside marriage, but for the interpretive method it inaugurated: family life is decoupled from formal marital status and anchored instead in the real, existing bond of care between parent and child.
Keegan v. Ireland (1994) extended the same logic to unmarried fatherhood. The applicant's child had been placed for adoption without his knowledge or consent, and Irish law offered him no standing to be considered as the child's guardian. The Court found that the bond between Mr Keegan and his daughter, arising from the couple's joint decision to conceive and raise the child together, amounted to family life within the meaning of Article 8 from the moment of the child's birth, even though the parents no longer lived together and were never married; the State's failure to justify the adoption by reference to the child's welfare, and its structural exclusion of the unmarried father from the process, violated his right to respect for family life.
The functional turn is completed in X, Y and Z v. United Kingdom (1997), where the Court accepted that de facto family ties linking a trans man, his partner, and the child conceived through donor insemination constituted "family life," notwithstanding the total absence of any biological or formal legal connection between the applicant and the child. What mattered was that the applicant had been involved throughout the conception process and had acted as the child's father in every respect since birth. Yet X, Y and Z v. United Kingdom also illustrates the limits of this expansion: having found that Article 8 applied, the Court went on to hold that the absence of a domestic mechanism to register the applicant as the child's legal father did not itself amount to a failure to respect family life, given the lack of any European consensus on the legal treatment of transsexual parenthood and the wide margin of appreciation this justified.
The case therefore demonstrates a structural pattern that recurs throughout the remainder of this paper: an expansive, inclusive test for whether a relationship counts, factually, as family life, combined with continued deference to states on what legal consequences, if any, must follow from that finding.

2.3 Three analytical models: biological, legal, and functional

Reading this case law together suggests a useful analytical framework, developed here and applied throughout the remainder of the paper, distinguishing three competing conceptions of family membership. Under the biological approach, family status follows genetic or gestational connection. Under the legal (formal) approach, family status follows a status recognised by law: marriage, registered partnership, adoption. Under the functional or social approach, family status follows the real, lived existence of emotional bonds, care, cohabitation and mutual dependency, regardless of biology or formal status. The case law traced in this paper shows the ECtHR moving, unevenly and with significant remaining latitude for states, from a model anchored almost exclusively in the first two categories toward one that increasingly, though not unconditionally, recognises the third.

2.4 Soft-law harmonisation: the Commission on European Family Law

Alongside binding ECtHR case law, a second, complementary harmonizing influence has been at work since 2001, when the Commission on European Family Law (CEFL) was established as a network of family law scholars from across the continent. Rather than proceeding from treaty text, the CEFL's method, for its Parental Responsibilities project alone, starts with twenty-two national reports responding to a common sixty-two-question survey. From these, the Commission distills, where possible, a "common core" of existing solutions, and, where no common core exists, the solution its members judge the "better law" (Boele-Woelki & Martiny, 2007; Mero et al., 2026, pp. 49–51). Over two decades, this produced four sets of soft-law Principles of European Family Law: on divorce and maintenance between former spouses (Boele-Woelki et al., 2004), on parental responsibilities (Boele-Woelki et al., 2007), on property relations between spouses (Boele-Woelki et al., 2013), and on the property, maintenance and succession rights of couples in de facto unions (Boele-Woelki et al., 2019). None of these Principles binds any state directly, but several national legislators have already drawn on them when reforming domestic law (González Beilfuss, 2022), and they supply exactly the kind of ready-made, comparatively tested "better law" benchmark that a legislator implementing the functional approach traced in this paper can consult without having to reconstruct a comparative survey from first principles. The full text of the Principles and the underlying national reports are freely available through the Commission's website, ceflonline.net.

3. New family forms and the challenge of legal recognition

The pace of this shift is measurable. Eurostat records that the EU-wide crude marriage rate fell by more than half between 1964 and 2024-from 8.0 to under 4.0 marriages per 1,000 persons-while the share of children born outside marriage rose from 17.7% in 1993 to 41.1% in 2024, with extramarital births now outnumbering marital ones in six member states (Bulgaria, Portugal, France, Sweden, Slovenia and Estonia); over the same six decades the EU divorce rate roughly doubled (Eurostat, 2026). North Macedonia's own vital statistics point in the same direction, from an earlier starting point: the State Statistical Office recorded 10,507 marriages in 2025, down 5.1% on the 11,066 registered in 2024, against 2,185 divorces, an increase of 8.0% a ratio of roughly 208 divorces for every 1,000 marriages, up from 183 a year earlier (State Statistical Office of the Republic of North Macedonia, 2026). Live births fell to 15,850 in 2025 (State Statistical Office of the Republic of North Macedonia, 2026), while the most recent available breakdown by parents' marital status shows extramarital births at 12.3% of all live births in 2023, close to a third of the EU average but rising (State Statistical Office of the Republic of North Macedonia, 2024). The forms into which this demographic shift is channelled, and the extent to which the law follows it, are examined in turn below.

3.1 Unmarried and cohabiting couples

Cohabitation outside marriage, whether as an alternative to marriage or as a precursor to it, has become a structural feature of family life across the region, though its prevalence varies sharply by country: on OECD figures, around 10% of adults aged 20 and over live as part of a cohabiting couple on average across OECD and EU states, rising to close to 20% in Sweden and above 15% in Denmark, Estonia, France and Norway, but falling to around 2% in Poland and Greece a divide that broadly tracks the north–south and Protestant–Catholic/Orthodox fault lines long noted in the demographic literature (OECD, 2016). North Macedonia does not itself register anywhere on this spectrum in statistical terms: the State Statistical Office keeps no

vital or census-based record of extramarital unions as a distinct category, so the actual scale of the phenomenon Article 13 regulates remains statistically invisible even as it is legally recognised itself a small illustration of the gap between doctrinal recognition and the empirical picture needed to apply it well. North Macedonia's own Law on the Family regulates it directly, and on a constitutional footing: Article 40(2) of the Constitution of the Republic of Macedonia provides that "legal relations in marriage, family and extramarital union shall be regulated by law," and Article 13 of the Law on the Family gives effect to that mandate by equating an extramarital union, defined as a life union of a man and a woman not founded on the legal formalities of marriage, lasting at least one year, with marriage for the specific purposes of mutual maintenance and property acquired during the union. Before the Law on the Family entered into force in 1992, extramarital cohabitation had no legal status in North Macedonia at all, save for isolated cases in which courts recognised property claims; the 1992 Law was the first to give the relationship any statutory footing (Mero et al., 2026). Two features of Article 13 are worth noting for present purposes. First, on its face, it applies only to different-sex couples, consistently with the different-sex definition of marriage in Article 6(1) discussed in Section 3.2 below. Second, and more surprisingly, the Law on the Family does not make the validity of an extramarital union conditional on the absence of the impediments to marriage (pengesat martesore) that apply to marriage itself, a gap the domestic family-law literature has specifically criticised, since it leaves open the possibility that a person already married to one partner can simultaneously be recognised as being in a legally consequential extramarital union with another, and the courts have had to resolve the resulting disputes without express statutory guidance (Mero et al., 2026); the Skopje Court of Appeal has held, in this vein, that the formal subsistence of a marriage does not by itself bar an extramarital union of more than a year's standing from producing the same legal consequences as marriage. The Marckx line of authority indicates that differential treatment between marital and extramarital unions is compatible with Article 8 only to the extent that it pursues a legitimate aim and remains proportionate; measured against that standard, Article 13's core achievement equal treatment for maintenance and property acquired during the union sits comfortably within the functional approach the Court has increasingly favoured, even as the absence of a marriage-impediment requirement, and the exclusion of same-sex couples, mark two respects in which the provision remains incomplete.

A related distortion runs in the opposite direction, through the divorce statistics rather than the marriage ones, and is well documented in domestic practice even though it too leaves no separate trace in the official data. Spouses in the recurring pattern, at the husband's initiative, obtain a divorce by mutual consent not because the marriage has broken down, but to obtain a certificate of unmarried status that then allows the husband to contract a marriage with a national of an EU member state, thereby securing residence and the right to work in that state; the couple in fact continues to live together in North Macedonia in what is, in substance, an extramarital union, and the divorced husband continues to exercise ordinary parental care and contact with the couple's children. There is no separate statistical category for a "fictitious" or collusive divorce of this kind; such cases are recorded exclusively within the ordinary "divorce by mutual consent" figures, indistinguishable there from divorces reflecting a genuine breakdown of the marriage. The practice compounds, rather than merely parallels, the invisibility already noted: some of the extramarital unions Article 13 would in principle cover are not simply uncounted, but are actively misclassified, in the official record, as terminated marriages.

A concrete comparative benchmark for how far that protection extends is supplied by the CEFL's Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions (Boele-Woelki et al., 2019), which define a "qualified" de facto union as one lasting at least five years or producing a common child, and attach to it

equality between partners, a shared family home, maintenance on separation, and intestate succession rights comparable to those of a spouse. Measured against that benchmark, North Macedonia's one-year threshold under Article 13 is in fact more generous than the CEFL default, and its equal treatment of mutual maintenance and property acquired during the union tracks two of the CEFL Principles' core protections directly. What Article 13 does not extend to an unmarried partner is any right in the shared family home as such; nor, under North Macedonia's inheritance legislation, do extramarital partners enjoy reciprocal rights of statutory inheritance from one another of the kind a spouse receives automatically (Mero et al., 2025; Mickovic & Ristov, 2020b) — both gaps sitting squarely within territory the CEFL model covers — and, as already noted, Article 13 extends no protection at all to same-sex de facto couples, whom the CEFL Principles do not distinguish from different-sex ones. The North Macedonian gap, in other words, is narrower and more specific than a general absence of regulation: it is concentrated in succession, the family home, and the different-sex limitation, against a backdrop of already-functioning protection for maintenance and property division.

3.2 Legal recognition of same-sex relationships: European and domestic perspectives

Same-sex partnerships mark the point at which the tension between the legal and functional models becomes most visible. In Schalk and Kopf v. Austria (2010), the Court held for the first time that a stable same-sex relationship falls within the notion of "family life," and not merely "private life," under Article 8. At the same time, the Court held that Article 12 ECHR does not oblige states to open marriage to same-sex couples and that, at least then, Article 8 did not require states to provide any alternative form of registered partnership. Three years later, in Vallianatos and Others v. Greece (2013), the Grand Chamber found a violation of Article 14 taken together with Article 8 where Greek legislation introduced civil partnerships but confined them to different-sex couples, reasoning that the exclusion of same-sex couples from a registration scheme that already existed could not be justified. The trajectory culminated in Oliari and Others v. Italy (2015), the first judgment to establish a positive obligation on states to provide some form of legal recognition and protection for same-sex couples: Italy's complete absence, at the time, of any legal framework for registering same-sex relationships was found to violate Article 8, even though the Court again stopped short of requiring access to marriage as such.

The limits of the functional approach in this context are illustrated by the second-parent adoption cases. In Fretté v. France (2002) and again in Gas and Dubois v. France (2012), the Court found no violation of Article 8, alone or together with Article 14, when French authorities refused to allow a woman in a same-sex relationship to adopt her partner's child through second-parent adoption. In Gas and Dubois, the Court reasoned that the applicants' situation was not comparable to that of a married couple because French law did not permit second-parent adoption by unmarried opposite-sex partners either the differential treatment tracked marital status, not sexual orientation. By contrast, when a national court's reasoning turns explicitly on sexual orientation, as in Salgueiro da Silva Mouta v. Portugal (1999), where a Portuguese appellate court denied a gay father custody partly on the view that the child "should live in a traditional Portuguese family," the Court has found violations of Articles 8 and 14 together. In other words, the case law draws a line not between recognizing and refusing to recognize same-sex family life as such, but between differential treatment that tracks a neutral formal criterion (marital status) and differential treatment that rests on sexual orientation itself.

North Macedonia's own Law on the Family defines marriage, in Article 6(1), as "a union of a man and a woman regulated by law," and Article 15 confines the capacity to marry to persons of different sex. Same-sex partnerships are not permitted under North Macedonian law in any form: there is no marriage, no registered partnership, and no other statutory mechanism through

which a same-sex couple can obtain legal recognition of their relationship. A 2015 attempt to entrench the opposite-sex definition of marriage at constitutional level failed to secure the required two-thirds parliamentary majority, so the exclusion currently rests on ordinary legislation rather than the Constitution a distinction that matters for how readily it could be revisited, even if it does not change the present legal position. On the trajectory traced by Schalk and Kopf, Vallianatos and Oliari, this places North Macedonia among the roughly eighteen Council of Europe states that, as of 2026, provide no legal protection of same-sex partnerships in any form, as against the twenty-two states that now permit same-sex marriage and a further group that offer civil partnership short of marriage (ILGA-Europe, 2026); while nothing in the ECtHR's case law to date requires the introduction of same-sex marriage, the complete absence of any alternative form of legal recognition is precisely the situation that was found incompatible with Article 8 in Oliari.

This legal picture cannot be read apart from the social reality it sits within. Traditional family values remain predominant in North Macedonian society, and the domestic conditions for the acceptance of same-sex marriage or any equivalent registered partnership have not, on the available evidence, yet been created; social tolerance of same-sex relationships remains narrow, and this point is not incidental to the legal analysis. The margin of appreciation the ECtHR itself extends to states in this area has always been calibrated, in part, to the absence of a settled European consensus and to the pace of change individual societies are prepared to accept — which is precisely why Schalk and Kopf and Oliari stop short of requiring marriage itself while still policing the outer limit of total non-recognition. None of this converts prevailing social attitudes into a legal justification for inertia in the way Oliari already forecloses; but it does help explain why bringing North Macedonian law into line with the ECtHR's trajectory on same-sex partnerships is likely to prove considerably harder and slower than the narrower technical reforms identity disclosure, cross-border surrogacy recognition, joint custody regardless of marital status discussed elsewhere in this paper. Those reforms adjust legal procedure without directly confronting predominant social morality; recognition of same-sex partnerships, in the current North Macedonian context, would not. This is not merely an outside observation: it converges with the explicit normative position taken by domestic family-law scholarship itself. Mickovic and Ristov (2020a), writing in North Macedonia's leading academic treatment of European family law, conclude that, given the customary moral norms, tradition, and culture prevailing in the country, same-sex unions are not legally regulated and produce no legal effect, and recommend that, in the foreseeable future, the property-law consequences of long-term same-sex unions should be regulated, while expressly maintaining that same-sex couples should not be permitted to marry or to adopt children. That a leading domestic family-law authority reaches this position confirms, from within the discipline rather than from outside it, that the social and professional conditions for full alignment with the ECtHR's trajectory in this area are not yet present, even as the narrower property-law step the same authors recommend would itself move North Macedonia some way beyond its current position of total non-regulation.

3.3 Single-parent families, stepfamilies and social parenthood

Single parenthood, whether arising from non-marital birth, divorce, or the death of a partner, is now a common rather than a marginal family form, and the Marckx line of authority requires that legal consequences in matters such as custody, maintenance, and inheritance be organized in a status-neutral way. A further, more deliberate route into single parenthood runs through assisted reproduction itself. North Macedonia's Law on Assisted Biomedical Fertilization extends the right to found a family through ART to single women with full legal capacity, independently of any partner (Art. 9(3)), so that solo motherhood by choice is affirmatively

provided for in domestic law rather than merely tolerated as a social fact. The equivalent route for single men remains far narrower across Europe, since it depends on surrogacy rather than donor insemination or egg donation alone, and most domestic legal systems make no provision for it at all. The clearest instance of legal accommodation is the United Kingdom: in Re Z (A Child) (No 2) [2016] EWHC 1191 (Fam), the President of the Family Division held, drawing directly on Mennesson and Wagner and J.M.W.L., that confining a parental order following a surrogacy arrangement to "two people" discriminated against a single applicant contrary to Article 14 taken with Article 8; the resulting Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018, in force since January 3, 2019, allows a single person including a single man with a genetic link to the child to obtain a parental order in his own right. Stepfamilies and social parenthood present a harder case: there is no line of ECtHR authority as developed as that concerning biological or legally recognized parenthood, but the functional reasoning in X, Y and Z v. United Kingdom implies that a social parent, without any genetic or formal legal tie, may nonetheless fall within "family life" where de facto bonds of dependency and care exist. Crucially, however, the fact that Article 8 applies does not itself dictate what legal consequences must follow: states retain considerable latitude in choosing the legal form that recognition takes: adoption, guardianship, or a lesser status such as contact rights, provided some adequate mechanism exists.

3.4 Parental responsibility, contact, and the post-divorce family

A family does not cease to exist, for Article 8 purposes, when a marriage ends. The Court has repeatedly held that the right to respect for family life continues to protect the relationship between a parent and child after divorce or separation, and imposes positive obligations on states to facilitate contact and reunification. In Hoffmann v. Austria (1993), the Court found a violation of Articles 8 and 14 where an Austrian court had withdrawn a father's parental rights after divorce because of his membership in Jehovah's Witnesses, a differentiation based solely on religious conviction. In Zaunegger v. Germany (2009), German law that denied an unmarried father any avenue for obtaining joint custody without the mother's consent, regardless of the child's actual relationship with him, was found to violate Article 14 in conjunction with Article 8. In Anayo v. Germany (2010), the Court found a violation of the applicant's right to respect for private life where German authorities had refused to examine whether contact with his biological twin children, with whom he had never lived, would be in their best interests. And in Nazarenko v. Russia (2015), an applicant who had raised a child for years before it was discovered that he was not her biological father, and who was consequently deprived of all parental rights and contact, was found to have suffered a violation of Article 8 — the emotional bond built over years of social parenthood was held to warrant protection independent of the absence of any genetic tie.

North Macedonia itself has appeared before the ECtHR on precisely this question. In Mitovi v. North Macedonia (2015), the applicants- a father and the child's paternal grandparents complained that the domestic Centre for Social Work had issued repeated decisions granting them contact with the child, but that the competent authorities had failed, over a prolonged period, to enforce those decisions. The Court found a violation of Article 8, holding that the mutual interest and need of parent and child (and, to a lesser but still protected extent, grandparent and grandchild) to maintain personal contact forms an essential element of family life, and that the State's positive obligation to facilitate reunification had not been discharged through years of unenforced administrative decisions. The case is a direct illustration, from within North Macedonia's own legal system, of the gap that can open between a domestic legal framework that formally protects contact rights and the practical, enforceable reality of family life the Convention requires.

The CEFL's Principles of European Family Law Regarding Parental Responsibilities (Boele-Woelki et al., 2007) supply a comparative model for the substantive rule that cases such as Zaunegger and Nazarenko push toward: Principle 3:9 establishes joint parental responsibility as the default regardless of the parents' marital status, precisely the entitlement Mr Zaunegger was denied under the German law then in force, while Principle 3:6 requires that a child capable of forming his or her own views be heard, directly or through an appropriate body, in any proceedings affecting parental responsibility. Read together with Mitovi, the comparative and the ECtHR standards point in the same direction for North Macedonian practice: joint responsibility should not turn on marital status, and the child's own voice, not only the adults' competing claims, should shape how contact and custody decisions are reached and enforced.

4. Assisted reproduction and the transformation of parenthood

4.1 ART, fragmented parenthood and the North Macedonian legal framework

Assisted reproductive technology severs the historically fused biological, gestational, genetic and social components of parenthood into potentially distinct individuals: a genetic mother or father, a gestational mother, and one or more intending or social parents. North Macedonia's Law on Assisted Biomedical Fertilization (2008) regulates this directly. Under Article 3 of that Law, the procedure may be used where earlier treatment has failed, where treatment by other methods offers no realistic prospect of success, or where there is a risk of transmitting a serious hereditary disease to the child; the legislator gives priority to the use of the couple's own reproductive cells (autologous fertilisation) and permits recourse to donated sperm, egg cells or embryos (heterologous fertilisation) only where this is not possible. Eligible users are adults with full legal capacity capable of exercising parental rights who are married or live in an extramarital union, as well as single women where prior medical treatment has been unsuccessful a domestic solution that already extends the right to found a family, in the ART context, beyond the marital couple to cohabiting and single applicants, even as the Family Law's definition of marriage itself remains confined to different-sex couples (Mero et al., 2026, pp. 108–109).

The European case law on ART illustrates how far a state's regulatory choices in this field are protected by the margin of appreciation, and how far they are not. In Evans v. United Kingdom (2007), the Grand Chamber held that United Kingdom legislation requiring the destruction of embryos created jointly by the applicant and her former partner, once he withdrew his consent, did not violate Article 8: the applicant's wish to become a genetic parent could not be given greater weight than her former partner's wish not to become one. A similar consent-based logic underlies North Macedonia's own 2008 Law, which allows donors of reproductive cells to withdraw consent up until the moment of fertilisation. By contrast, in Dickson v. United Kingdom (2007), the Grand Chamber found a violation of Article 8 where a serving prisoner and his partner, whose age made it unlikely she would be able to conceive naturally after his release, had been refused access to artificial insemination facilities; the Court held that the domestic policy had not struck a fair balance between the public and private interests at stake. And in Costa and Pavan v. Italy (2012), Italian legislation that permitted a couple, both carriers of cystic fibrosis, to terminate a pregnancy once prenatal testing confirmed the foetus had inherited the disease, while simultaneously denying them access to preimplantation genetic diagnosis to avoid the same outcome in the first place, was found to be an incoherent and disproportionate interference with the applicants' right to respect for family life.

4.2 Donor anonymity and the child's right to identity

One of the most contested questions in ART regulation is whether a donor-conceived child should be able to discover the identity of his or her biological parents. Three interests compete: the child's medical, psychological and identity-related interest in knowing his or her genetic origin; the donor's interest in remaining anonymous, so as not to be exposed to unforeseen personal or patrimonial obligations; and the social parents' interest in the stability and integrity of the family unit. A minority of European states, among them the Netherlands, Sweden, Austria and the United Kingdom, have moved to give the child a legal right to learn the donor's identity; the majority, including North Macedonia, have not. North Macedonia's 2008 Law expressly prohibits any form of payment for donated reproductive material, but does not grant the donor-conceived child a right to learn the donor's identity.

This gap sits uneasily beside two other instruments North Macedonia has ratified. Article 7(1) of the UN Convention on the Rights of the Child recognises the child's right, as far as possible, to know his or her parents, and Article 22(3) of the European Convention on the Adoption of Children guarantees the child's right to obtain information held by the competent authorities concerning his or her origins. A structurally similar tension already exists within North Macedonia's Law on the Family itself in the adoption context: upon full adoption, the adopters are recorded as the child's parents in the birth register, the place of birth recorded is the place the adopters agree upon, and the underlying adoption records are treated as an official secret under Article 123-a, so that the adopted child has no legal avenue to obtain information about his or her biological parents. The same Law on the Family, in Article 75, also bars any challenge to maternity or paternity once parenthood has been established through adoption or through any method of artificial reproduction. The consistent domestic policy choice, in other words, is to protect the anonymity of biological origins and the stability of the legal parent-child relationship at the direct expense of the child's own right to know that origin a policy choice that the ECtHR's identity-rights case law, examined in Section 6 below, increasingly treats as constitutionally significant rather than a purely administrative matter.

5. Surrogacy and the limits of state recognition

Surrogacy is the sharpest illustration of the tension between the biological, legal and functional models identified in Section 2, and the case law here supplies the clearest and most transferable guidance for domestic legislators, including in a jurisdiction such as North Macedonia, whose 2014 amendments to the Law on Assisted Biomedical Fertilization regulate surrogacy in some detail, but which, as Section 7.2 discusses, has not on that basis alone resolved the narrower cross-border recognition question addressed by the case law below. North Macedonia's domestic framework is itself narrower than its general ART eligibility rule considered in Section 4.1: whereas ART more broadly is open to married couples, extramarital couples and single women alike, the right to initiate the surrogacy procedure specifically is confined to married couples, so that the extramarital partners whom Article 13 of the already treats as equivalent to spouses for maintenance and property purposes are, for this particular procedure, treated as though they were not a couple at all, a further illustration of the legal model reasserting itself precisely where the stakes, and the biological complexity, are highest.

5.1 Mennesson and Labassee v. France (2014)

The Mennesson and Labassee twins were born in the United States through gestational surrogacy arrangements, using the sperm of the intended father in each case and, in one case, a donated egg; under Californian law the intended parents were recognised as the children's

legal parents from birth. France, which prohibits surrogacy, refused to transcribe the children's American birth certificates into the French civil registry, leaving them without any legally recognised filiation in France despite an existing genetic link between each child and one intended parent. The Court found a violation of Article 8 with respect to the children's right to respect for private life. Importantly, it did not find that France was obliged to recognise or give effect to the surrogacy arrangement itself, nor did it find a violation of the parents' own family-life rights, since the families were able to live together in France notwithstanding the administrative non-recognition. What was decisive was the position of the children: private life, the Court held, requires that everyone be able to establish the details of their identity, including their legal parent-child relationship, and leaving these children in a state of prolonged legal uncertainty as to their own identity, notwithstanding an existing biological tie to one intended parent, was disproportionate to the legitimate aim of discouraging surrogacy.

5.2 Paradiso and Campanelli v. Italy (2017)

A markedly different outcome followed on markedly different facts. An Italian couple travelled to Russia and, through a surrogacy agency, obtained a child who, DNA testing later confirmed, was genetically related to neither of them; Italian authorities removed the child and placed him for adoption with another family. Examining the case under the private-life rather than the family-life limb of Article 8, given the total absence of any biological tie and the short, legally irregular duration of the relationship, the Grand Chamber found no violation: Italy's decision fell within its margin of appreciation, pursuing the legitimate aims of preventing disorder and protecting the rights of others, including the child, in circumstances where the applicants had knowingly circumvented Italian adoption law and paid for a child whose biological parentage remained unknown. Read together, Mennesson and Paradiso and Campanelli indicate that, on the current state of the case law, a genetic link between the child and at least one intended parent weighs heavily, arguably decisively in favour of requiring legal recognition in the child's interest, whereas its complete absence, combined with an unlawful circumvention of domestic parentage procedures, leaves states considerably wider latitude, including the possibility of separation.

5.3 The 2019 advisory opinion

In 2019, acting on a request from the French Court of Cassation under Protocol No. 16 ECHR, the Grand Chamber delivered its first advisory opinion, holding that the child's right to respect for private life requires domestic law to provide a possibility of recognising a legal parent-child relationship with the intended mother in a gestational surrogacy case, but that adoption by the intended mother of her spouse's genetic child can itself satisfy this requirement, provided the procedure is effective and sufficiently prompt. The Convention therefore does not require birth-certificate transcription as such; it requires some adequate and reasonably expeditious legal route to the same result. This is the clearest transferable principle for a domestic legislator: the underlying arrangement need not be validated, but the child's legal status cannot be left permanently unresolved.

6. The child at the centre: best interests, identity and family life

Across every cluster of case law examined above, the child's best interests function less as one competing interest among several and more as an independent normative constraint that bounds the outer limits of legal recognition a structural role reinforced by the CRC's Article 3 best-

interests principle and Article 7 identity and origins provisions, both of which inform the Court's Article 8 reasoning even though the Court is not formally bound by the CRC.

The Court's identity-rights case law, much of it already surveyed in North Macedonia's own family law literature, shows how far this principle extends beyond parentage disputes narrowly conceived. In Mikulić v Croatia (2002), the Court found a violation of Article 8 where Croatian law provided no mechanism to compel a putative father to submit to DNA testing, leaving a non-marital child indefinitely uncertain as to her own paternity. In Mizzi v. Malta (2006) and Shofman v. Russia (2004), the Court found violations where domestic limitation periods barred a legal father from ever contesting paternity, regardless of subsequently available genetic evidence. In Jäggi v. Switzerland (2006), a man who suspected a deceased individual was his biological father, and who was refused permission to have DNA testing carried out on the body, succeeded in his Article 8 complaint, the Court holding that his interest in establishing his origins outweighed the interests invoked against disclosure, particularly since the deceased's family had not itself objected. In Odièvre v. France (2003) and Gaskin v. United Kingdom (1989), the Court confirmed that Article 8 protects a person's interest in obtaining information necessary to discover the truth about important aspects of his or her personal identity, including parental identity, and that birth and the circumstances surrounding it form part of an individual's private life. And in Zaiet v. Romania (2015), the annulment of an adoption thirty-one years after it was established, and eighteen years after the adoptive mother's death, at the request of a sibling seeking to alter inheritance shares, was found to violate the adopted person's right to respect for family life, the Court holding that an adoptive relationship built on decades of lived family life could not be undone without serious and proportionate justification (case summaries in this paragraph draw on and extend the survey in Mero et al., 2026, pp. 84–89).

The child's welfare, however, is not a fixed rule that produces predictable outcomes irrespective of context: it is an open-ended standard the Court applies to the concrete facts of each family form. Best-interests reasoning grounded the finding of a violation in Mennesson, where continued legal uncertainty as to identity was held to harm the children; but a structurally similar concern for the child's welfare and settled attachments also supported the finding of no violation in Paradiso and Campanelli, where the child's separation from the applicants and his subsequent, by-then well-established, placement with an adoptive family were treated as the outcome most protective of his interests going forward. Best interests, in other words, functions throughout this body of law as the ultimate point of reconciliation between the biological, legal and functional models identified in Section 2, not as a criterion that resolves every case in the same direction.

7. From research to application: towards a more responsive family law framework

7.1 Principles distilled from the case law

Restating the theme of this congress, the doctrinal survey above can be distilled into a set of applicable principles for legislators and courts:

1. Legal recognition of parentage and family status should track lived, functioning family relationships, the functional approach, and not be limited mechanically to marital or genetic status, in line with Marckx, Keegan and X, Y and Z v. United Kingdom.

2. Where a child already has a genetic link to at least one intended or social parent, domestic law should provide an accessible and reasonably expeditious mechanism to recognise legal parenthood, rather than leaving the child indefinitely without settled legal status, per Mennesson and the 2019 advisory opinion.

3. A state is not required to recognise or validate the underlying arrangement that produced a family relationship, such as commercial surrogacy, to satisfy Article 8; refusal to recognise

the arrangement itself is compatible with the Convention provided some adequate route, such as adoption, exists to settle the child's status.

4. Where no genetic link exists, and the family relationship was formed through circumvention of domestic adoption or parentage law, states retain a wide margin of appreciation, including the possibility of non-recognition and separation, subject always to an individualised best-interests assessment; Paradiso and Campanelli should not be read as licensing automatic or non-individualised removal.

5. Recognition of same-sex partnerships and parenting arrangements should proceed, at minimum, to the point that no total absence of any legal framework remains: as Oliari and Vallianatos show, it is the complete absence of recognition, rather than any particular choice among registration models, that risks incompatibility with Article 8.

6. Donor-conceived and other ART-conceived children's interest in knowing their genetic origins should be protected through record-keeping and eventual-access mechanisms, independent of and without prejudice to the separate question of legal parenthood.

7. In every category above, the child's best interests and right to identity should be assessed individually, on the concrete facts of the particular child, rather than resolved solely by reference to abstract categories such as marriage, genetics, or the nationality of the underlying arrangement.

7.2 Implications for North Macedonia

Measured against these principles, North Macedonia's family law framework already reflects several elements of the functional and identity-rights trajectory traced above, most visibly in the 2008 Law on Assisted Biomedical Fertilization's extension of reproductive rights beyond the married couple to cohabiting partners and single women, and in the ECtHR's own finding, in Mitovi, that domestic authorities must not merely grant contact rights on paper but actively enforce them. In other respects, however, the framework remains closer to the biological and formal-status models than the current European trajectory suggests is likely to remain uncontested. Article 6(1)'s definition of marriage as a union of a man and a woman leaves North Macedonia, on the Oliari standard, without the alternative form of legal recognition for same-sex relationships that the complete absence of any such framework has already been found, in another Council of Europe state, to violate Article 8. Article 123-a's treatment of adoption records as an official secret, combined with Article 75's blanket prohibition on contesting parentage established through adoption or ART, denies the donor-conceived or adopted child precisely the kind of access to identity-relevant information that Mikulić, Jäggi, Odièvre and Gaskin treat as protected by Article 8, a tension the author has herself identified elsewhere between the Law on the Family and both Article 7(1) of the CRC and Article 22(3) of the European Convention on the Adoption of Children (Mero et al., 2026, pp. 87–88). North Macedonia is, in this respect, further along than the account of "no dedicated framework" often applied to the region: the 2014 amendments to the Law on Assisted Biomedical Fertilization regulate the conditions and procedure for surrogacy carried out domestically, making North Macedonia one of the more extensively regulated jurisdictions in South-East Europe on this point. What that domestic framework does not, on the available evidence, address is the narrower, analytically distinct question the 2019 advisory opinion addresses: how a child's legal parentage is recognised where the surrogacy arrangement was carried out abroad. Absent an explicit domestic rule on cross-border recognition, a child born through surrogacy outside North Macedonia and already possessing a genetic link to an intended parent could still face the same kind of prolonged legal uncertainty that the ECtHR found objectionable in Mennesson; the gap identified by this paper is therefore narrower than an absence of regulation as such, but no less consequential for the individual child it affects.

The reform agenda sketched here is not merely the outside view of this paper: it converges with proposals already advanced from within domestic scholarship as North Macedonia works toward a comprehensive Civil Code. Ristov and Sutova (2022) reach a structurally similar diagnosis, observing that the Law on the Family has gone essentially unreformed since 1992 despite three decades of change in marital and family relationships, tracing part of that gap directly to the pattern of adverse ECtHR judgments discussed throughout this paper, and arguing, as this paper also does, for statutory reform of the regulation of the extramarital union and for express recognition of parental responsibility in the forthcoming codification. None of this requires North Macedonia to legalise surrogacy, to recognise commercial arrangements it currently prohibits, or to adopt any particular model of same-sex partnership recognition; the ECtHR's case law consistently leaves those substantive policy choices to the state's margin of appreciation. What the case law does require, on the analysis developed in this paper, is that no child be left permanently without a settled legal identity, and that no category of family relationship be left with no legal recognition mechanism at all. Addressing these two narrower points, rather than the broader and more contested question of which family forms to encourage, would bring North Macedonian family law into closer alignment with the ECtHR standard, reduce the risk of individual applications reaching the Court, and, more fundamentally, provide the legal certainty that children already living within these family arrangements are entitled to regardless of how the underlying policy debate is ultimately resolved. The point is pressed further, and with a concrete legislative proposal, by Mero et al. (2025), who confirm that extramarital partners currently enjoy no reciprocal statutory inheritance rights under North Macedonian law and recommend that the Civil Code codification correct this by extending inheritance rights to an extramarital partner whose union lasted at least five years before the other partner's death, shortened to three years where the union produced a child, modelled on the five-year threshold North Macedonia's own inheritance legislation already uses to recognise long-term life-partners as heirs. A reform along these lines would resolve, within domestic succession law itself, precisely the gap this paper identifies against the CEFL benchmark in Section 3.1.

8. Conclusion

Contemporary European family law is moving, gradually and unevenly, from an exclusively biological and marital model of the family toward a more pluralistic one, in which biological ties remain significant but are increasingly balanced against social relationships, individual autonomy, human dignity and, above all, the best interests and identity rights of the child. The limits of legal recognition are not fixed by any single criterion; they are negotiated case by case at the intersection of the biological, legal and functional models identified in this paper, with the child's welfare functioning as the ultimate boundary rather than as a mechanical rule. Giving effect to this doctrinal trajectory into domestic legislative and judicial practice is the task now facing national systems, including North Macedonia's, and doing so proactively, identifying and closing the specific gaps in legal certainty that ECtHR case law has already flagged in comparable jurisdictions rather than reactively, in response to litigation, remains the central challenge for family law scholarship and reform in the region.

Across the family forms examined in this paper cohabitation, same-sex partnerships, single-parent and stepfamilies, assisted reproduction, and surrogacy the same pattern recurs. The formally legal model, built on marriage and genetic parenthood, remains the default starting point of every domestic system considered, North Macedonia's included; but the European Court of Human Rights has repeatedly required that model to yield, in defined and incremental steps, wherever a functioning family relationship exists that the legal model fails to capture. Marckx, Keegan and X, Y and Z established that functional family life attracts Article 8

protection independently of marital or genetic status; Vallianatos and Oliari extended that logic to same-sex partnerships, without yet requiring marriage itself; Mennesson and the 2019 advisory opinion extended it again to children born of cross-border surrogacy, insisting on legal certainty for the child even where the state's underlying policy choice to prohibit surrogacy domestically remains untouched. The biological model has not been abandoned; genetic connection continues to matter, both as an independent source of Article 8 protection in its own right (Anayo, Nazarenko) and as the normative anchor for the child's right to identity (Mikulić, Jäggi, Odièvre), but it no longer operates as a precondition for recognition. What has emerged instead is a functional model disciplined by the child's best interests: lived family relationships are protected because they are lived, not because they replicate the biological or marital template, while the child's welfare and right to identity supply the outer boundary past which autonomy and functional bonds cannot be invoked to defeat a child's claim to a settled legal status.

Measured against this trajectory, North Macedonia's own family law occupies an intermediate and, in places, an internally inconsistent position. Its extramarital-union regime under Article 13 of the Law on the Family already reflects the functional model in substance: a de facto union of at least one year's standing generates reciprocal maintenance and property rights without requiring marriage; yet the same provision withholds that recognition entirely from same-sex couples and leaves inheritance and the shared family home untouched, a gap this paper has shown to be narrower, and therefore more readily closable, than a general absence of regulation. Its 2008 Law on Assisted Biomedical Fertilization affirmatively enables single motherhood by choice, tracking the ECtHR's own functional reasoning, while leaving donor anonymity effectively absolute and supplying no rule at all for the cross-border recognition of parentage established through surrogacy abroad precisely the kind of gap the Court found objectionable in Mennesson and addressed, for third states generally, in its 2019 advisory opinion. Its own appearance before the Court in Mitovi shows the domestic judiciary is already capable of applying a best-interests, functional analysis to post-divorce contact disputes, suggesting that the doctrinal vocabulary this paper has traced is not foreign to North Macedonian legal practice, but is applied unevenly across its different branches of family law.

This is where the congress theme sets the right frame for the inquiry. Tracing the evolution of "family life" as a legal concept is not, on its own, sufficient; the value of that doctrinal map lies in what it enables legislators, courts, and scholars to do with it. The principles distilled in Section 7, status-neutral treatment of parentage once a functional family relationship is shown, a settled legal identity for every child regardless of how that family relationship came about, and a floor of some legal recognition mechanism for every category of family form the state tolerates in fact, do not resolve the harder, genuinely contested political questions this paper has deliberately left open, including whether and how same-sex partnerships should ultimately be recognized in North Macedonia. What they do supply is a narrower, more immediately actionable reform agenda: extending Article 13's protections to the family home and reciprocal inheritance, as Mero et al. (2025) and Ristov and Sutova (2022) both recommend within domestic scholarship; adopting an express rule on the cross-border recognition of surrogacy-based parentage; and reconsidering the absolute character of donor anonymity in light of the child's Article 8 right to know their origins. Each of these steps can be taken without resolving the broader, more polarizing debate over which new family forms North Macedonian law should ultimately come to accept and each would, on the analysis developed here, measurably reduce the number of children left without a settled legal identity while that broader debate continues.

References

[1]. Advisory Opinion Concerning the Recognition in Domestic Law of a Legal Parent-child Relationship Between a Child Born Through a Gestational Surrogacy Arrangement Abroad and the Intended Mother, Request No. P16-2018-001 (Eur. Ct. H.R., April 10, 2019).

[2]. Anayo v. Germany, App. No. 20578/07 (Eur. Ct. H.R., December 21, 2010). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-102443%22]}

[3]. Boele-Woelki, K., Ferrand, F., González Beilfuss, C., Jänterä-Jareborg, M., Lowe, N., Martiny, D., & Pintens, W. (Eds.). (2004). Principles Of European Family Law Regarding Divorce and Maintenance Between Former Spouses. Intersentia.

[4]. Boele-Woelki, K., Ferrand, F., González Beilfuss, C., Jänterä-Jareborg, M., Lowe, N., Martiny, D., & Pintens, W. (Eds.). (2007). Principles of European Family Law Regarding Parental Responsibilities. Intersentia.

[5]. Boele-Woelki, K., Ferrand, F., González Beilfuss, C., Jänterä-Jareborg, M., Lowe, N., Martiny, D., & Pintens, W. (Eds.). (2013). Principles of European family law regarding property relations between spouses. Intersentia.

[6]. Boele-Woelki, K., Ferrand, F., González Beilfuss, C., Jänterä-Jareborg, M., Lowe, N., Martiny, D., & Todorova, V. (Eds.). (2019). Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in De Facto Unions. Intersentia.

[7]. Boele-Woelki, K., & Martiny, D. (2007). The Commission on European Family Law (CEFL) and its Principles of European Family Law Regarding Parental Responsibilities. ERA Forum, 8(1), 125–143.

[8]. Choudhry, S., & Herring, J. (2010). European Human Rights and Family Law. Hart Publishing.

[9]. Commission on European Family Law (CEFL). (n.d.). Principles Of European Family Law and National Reports. Retrieved September 2026, from https://ceflonline.net/

[10]. Constitution of the Republic of Macedonia. (1991, as amended).

[11]. Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended, Arts. 8, 12, 14. Official text: https://www.echr.coe.int/documents/d/echr/convention_ENG

[12]. Costa and Pavan v. Italy, App. No. 54270/10 (Eur. Ct. H.R., August 28, 2012). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-112993%22]}

[13]. Dickson v. United Kingdom, App. No. 44362/04 (Eur. Ct. H.R. [GC], December 4, 2007). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-83788%22]}

[14]. European Convention on the Adoption of Children (Revised), CETS No. 202, Art. 22(3) (2008). Official text: https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=202

[15]. Evans v. United Kingdom, App. No. 6339/05 (Eur. Ct. H.R. [GC], April 10, 2007). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-80046%22]}

[16]. Eurostat. (2026). Marriage and Divorce Statistics. Statistics Explained. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriage_and_divorce_statistics

[17]. Fenton-Glynn, C. (2021). Children and the European Court of Human Rights. Oxford University Press.

[18]. Fretté v. France, App. No. 36515/97 (Eur. Ct. H.R., February 26, 2002). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-60168%22]}

[19]. Gas and Dubois v. France, App. No. 25951/07 (Eur. Ct. H.R., March 15, 2012). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-109572%22]}

[20]. Gaskin v. United Kingdom, App. No. 10454/83 (Eur. Ct. H.R., July 7, 1989). https://hudoc.echr.coe.int/tur#{%22itemid%22:[%22001-57491%22]}

[21]. González Beilfuss, C. (2022). Agreements in European Family Law – The Findings, Theoretical Assessments and Proposals of the Commission on European Family Law (CEFL). European Review of Contract Law, 18(2), 159–174.

[22]. Hoffmann v. Austria, App. No. 12875/87 (Eur. Ct. H.R., June 23, 1993). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57825%22]}

[23]. Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (UK), in force January 3, 2019.

[24]. ILGA-Europe. (2026). Rainbow map. https://rainbowmap.ilga-europe.org/

[25]. Jäggi v. Switzerland, App. No. 58757/00 (Eur. Ct. H.R., July 13, 2006). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-76412%22]}

[26]. Keegan v. Ireland, App. No. 16969/90 (Eur. Ct. H.R., May 26, 1994). https://hudoc.echr.coe.int/eng?i=001-57881

[27]. Law on Assisted Biomedical Fertilization (Republic of Macedonia, 2008, as amended 2014). Consolidated official text: https://fzo.org.mk/zakon-za-biomedicinsko-potpomognato-oploduvane

[28]. Law on Inheritance (Official Gazette of the Republic of Macedonia, no.47/1996). https://www.harmonius.org/sr/pravni-izvori/jugoistocna-evropa/privatno-pravo/makedonija/zakon_o_nasledjivanju_makedonije.pdf
[29]. Law on the Family (Official Gazette of the Republic of Macedonia, no.80/1992, as amended). Consolidated official text https://ldbis.pravda.gov.mk/PregledNaZakon.aspx?id=292
[30]. Marckx v. Belgium, App. No. 6833/74 (Eur. Ct. H.R., June 13, 1979). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57534%22]}
[31]. Mennesson v. France, App. No. 65192/11 (Eur. Ct. H.R., June 26, 2014). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-9781%22]}
[32]. Mero, A., Zekolli Shaqiri, K., Mickoviq, D., & Ristov, A. (2025). Inheritance Law [E drejta trashëgimore]. Screen Print, Skopje
[33]. Mero, A., Zendeli, E., Mickoviq, D., & Ristov, A. (2026). Family Law [E drejta familjare] (2nd ed.). Litera Group, Skopje
[34]. Mickovic, D., & Ristov, A. (2020). European Family Law [Европско семејно право]. Ss. Cyril and Methodius University, Faculty of Law "Iustinianus Primus."Skopje
[35]. Mickovic, D., & Ristov, A. (2020). Inheritance Law. Ss. Cyril and Methodius University, Faculty of Law "Iustinianus Primus."Skopje
[36]. Mikulić v. Croatia, App. No. 53176/99 (Eur. Ct. H.R., February 7, 2002). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-60035%22]}
[37]. Mitovi v. The Former Yugoslav Republic of Macedonia, App. No. 53565/13 (Eur. Ct. H.R., March 25, 2015). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-153812%22]}
[38]. Mizzi v. Malta, App. No. 26111/02 (Eur. Ct. H.R., January 12, 2006). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-71983%22]}
[39]. Nazarenko v. Russia, App. No. 39438/13 (Eur. Ct. H.R., July 16, 2015). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-156084%22]}
[40]. Odièvre v. France, App. No. 42326/98 (Eur. Ct. H.R. [GC], February 13, 2003). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-60935%22]}
[41]. OECD. (2016). Cohabitation: Forms of partnership (SF3.3). OECD Family Database. https://www.oecd.org/els/family/database.htm
[42]. Oliari and Others v. Italy, App. Nos. 18766/11 and 36030/11 (Eur. Ct. H.R., July 21, 2015). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-10668%22]}
[43]. Paradiso and Campanelli v. Italy, App. No. 25358/12 (Eur. Ct. H.R. [GC], January 24, 2017). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-170359%22]}
[44]. Re Z (A Child) (No 2) [2016] EWHC 1191 (Fam). https://www.ngalaw.co.uk/wp-content/uploads/2022/10/Re-Z-a-child-and-surrogacy-law-reform-Family-Law-2017.pdf
[45]. Ristov, A., & Sutova, M. (2022). The Civil Code and the reforms in Macedonian family law. Dani porodičnog prava, 10, 1–16.
[46]. Salgueiro da Silva Mouta v. Portugal, App. No. 33290/96 (Eur. Ct. H.R., December 21, 1999). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-58404%22]}
[47]. Schalk and Kopf v. Austria, App. No. 30141/04 (Eur. Ct. H.R., June 24, 2010). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-99605%22]}
[48]. Shofman v. Russia, App. No. 74826/01 (Eur. Ct. H.R., November 24, 2005). https://hudoc.echr.coe.int/eng?i=001-23842
[49]. State Statistical Office of the Republic of North Macedonia. (2024). Live births, 2023 (final data). https://www.stat.mk/
[50]. State Statistical Office of the Republic of North Macedonia. (2026). North Macedonia in numbers 2026 [Северна Македонија во бројки 2026]. https://www.stat.mk/media/dlojorye/makedonija-vo-brojki-2026-mk-web.pdf
[51]. United Nations Convention on the Rights of the Child, Arts. 3, 7 (1989). Official text: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
[52]. Vallianatos and Others v. Greece, App. Nos. 29381/09 and 32684/09 (Eur. Ct. H.R. [GC], November 7, 2013). https://hudoc.echr.coe.int/eng?i=002-9224
[53]. X, Y and Z v. United Kingdom, App. No. 21830/93 (Eur. Ct. H.R., April 22, 1997). https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-58032%22]}
[54]. Zaiet v. Romania, App. No. 44958/05 (Eur. Ct. H.R., March 24, 2015). https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-153017%22]}
[55]. Zaunegger v. Germany, App. No. 22028/04 (Eur. Ct. H.R., December 3, 2009). https://hudoc.echr.coe.int/eng?i=001-96020