

# **Surrogacy: an International Phenomenon**

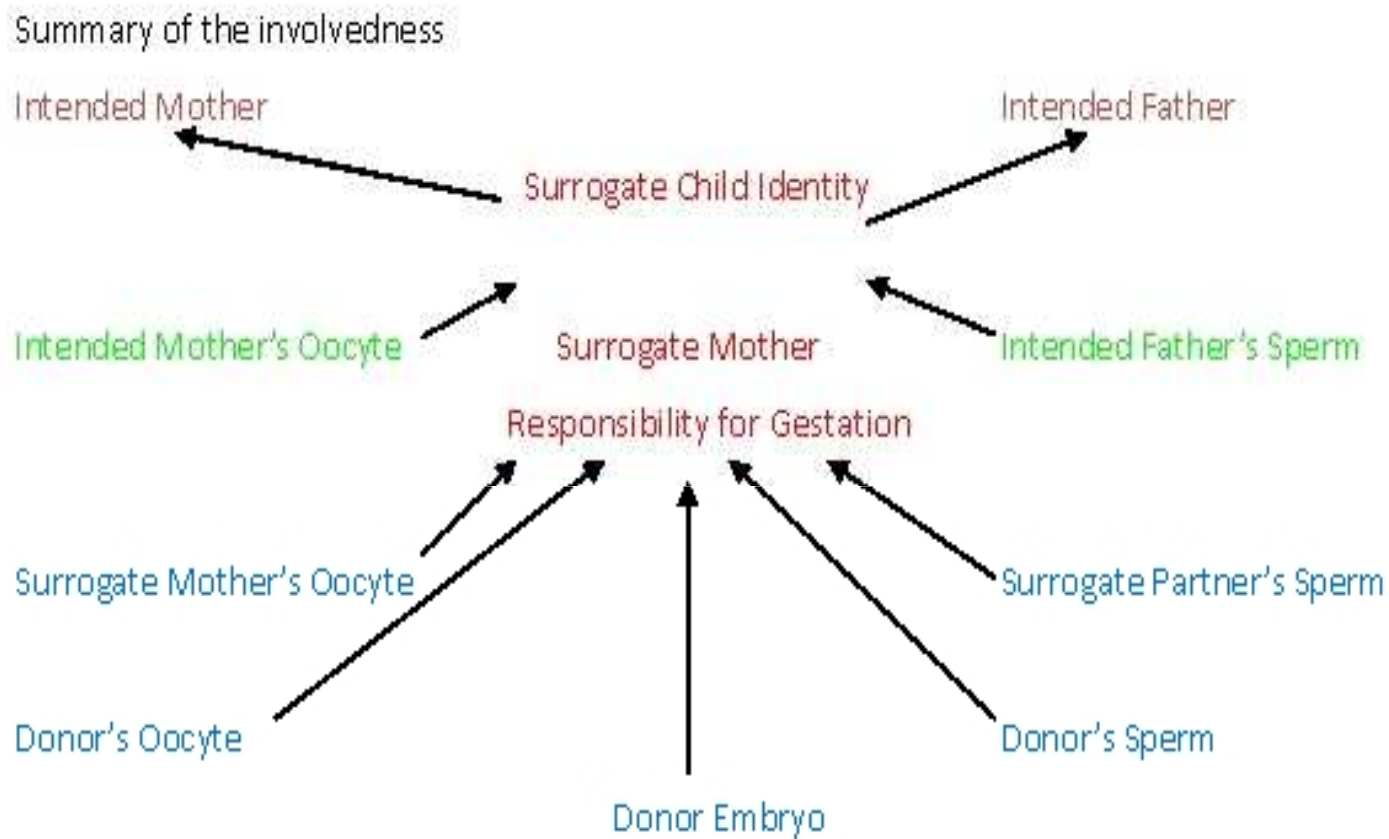
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# An overview of surrogacy

We looked at the potential complexities involved in commissioning a surrogate baby. It reflects on the lead author's previous surveys on this difficult topic that were conducted in 1997 and 2003. It offers an insight into the legal and ethical viewpoints on the matter that are held by various countries.

# Surrogacy

- Gestational, where the surrogate mother is artificially inseminated with the sperm of the intended father or sperm donor
- Genetic, where the surrogate mother is not genetically related to the child.



# Selected Countries

Argentina	France	Japan	Russia
America	Germany	Luxembourg	Saudi Arabia
Australia	Greece	Mexico	Singapore
Belgium	Hungary	Netherlands	South Africa
Brazil	Iceland	New Zealand	Spain
Canada	India	Nigeria	Sweden
China	Ireland	Norway	Switzerland

# Unacceptable on religious and cultural grounds

Nature of the strictness of their philosophies and doctrines that the practice of surrogacy is outlawed

For example, Roman Catholicism, Greek, Eastern and Russian Orthodoxy, Muslimism, Sikh, Hinduism, and Buddhism are among the religions which are integral to people's lives and their countries' structures.

The countries that hold a strong Roman Catholic or Greek Orthodox philosophy do not even agree with reproductive technologies, so surrogacy is definitely not acceptable..

- Russia, Pakistan and India are unable to enforce their philosophy due to their present unstable social systems, which are unable to prevent bribery and corruption.
- Countries that have a strong Muslim faith and lifestyle are mainly to be found in the Middle East, and include Saudi Arabia, Yemen, Egypt, Jordan and Iran, where surrogacy is not allowed.

# Can the system be circumvented?

Yes, where the laws exist which might challenge aspects of a surrogate but which are not strictly adhered to.

It can also happen if the people involved (as surrogates) are not of the commissioning parents' own nationality.

This appeared to be the situation when a well-educated Russian surrogate went with the commissioning parents to a neighbouring country for the formal adoption procedure to be expedited.



# A second way of circumventing the law

## Money

Whether we like it or not, bribery occurs under the guise of payment for expenses incurred.

It has been observed in some of the old Eastern Block countries where the social structure remains unstable.

These countries are not alone

# Another way

To have the child in another country and to complete the adoption procedure before the child is brought home.

During the lead author's practice as a midwife, two cases are memorable.

# Regulations

The regulation of surrogacy differs widely.

The UK could follow the USA, but possibly would be better considering a more woman-centred approach than the liberal approach, which is frequently altered by case law.

# Countries with Babies for Adoption

Countries that have children available for adoption are countries where over-population is a problem and those where there is violence and wars.

Children are available for adoption in China, India and Pakistan; therefore, women who find themselves infertile can adopt a child easily.

Adoption has been an acceptable means of caring for children who have lost parents.

Child Trafficking

# What Drives Surrogacy?

The reasons for potential parents using surrogacy as opposed to adoption are varied and different. Among these reasons might be:

- Infertility over 35
- Medical conditions
- Genetic diseases
- Social aspects

# Genetic disorders

## Autosomal dominant:

Huntingdon's chore, autosomal recessive, as in Thalassaemia, or X-linked as in Haemophilia.

Other, more rare conditions have been cited, for example, Rokitansky Syndrome and Mayer-Rokitansky-Kustner-Hauser-Syndrome

# Social reasons

The inability to adopt a child or the avoidance of pregnancy due to discomfort, inconvenience or for career or aesthetic reasons.

# International Picture

## Today in Europe has a mixed picture

Norway, Sweden and France, surrogacy is officially forbidden

Germany and Estonia surrogacy is illegal,

In both Italy and Poland, surrogacy is illegal: these countries are strictly Roman Catholic. The Roman Catholic Church opposes all kinds of assisted reproductive technologies in humans.

It is known that childless Italian couples participate in surrogacy programmes.



# Imperfect Systems

Surrogacy in Belgium, Greece, Ireland and the Czech Republic is not regulated by the law.

A system as unsatisfactory as it is in the UK is mirrored by that in place in Finland, where the services of surrogate mothers are available; this means that it is not prohibited and at the same time not regulated.

# Outside Europe

Surrogacy in Israel is legally permitted; however, the surrogate mother must have a single mother status. Reilly (2007) describes when Canada permits surrogacy, which is similar to some states in the USA.

In Russia, India and the Ukraine, surrogacy is commonly seen as a commercial undertaking to the betterment of the surrogate's family.

# Advances in reproductive technologies

Ramskold and Posner (2013) write that these new advances in reproductive technologies have opened up a whole new range of possibilities for couples to investigate surrogacy as a means of having a family.

# Today

Scott (2013) has observed the growth in marketing to international couples, referring to it as similar to a holiday, and calls it a 'reproductive' or 'medical' holiday, so enticement is rife on the web, particularly to same sex couples.

# The Hague Convention

Is supposed to be developing inter-country agreements to resolve today's bewildering situation.

This was first considered under the title of Fair Trade International Surrogacy.

# Regulations

This is much needed because commercial surrogacy is on the increase in India, Russia and China.

The World Bank predicts Indian surrogacy alone will be a US\$2.5 billion industry by the year 2020 (Hyder 2011; Ware 2012; Carr 2013)

Crockin (2013 p.733) states that:

Cross-border gestational surrogacy is one form of family building that challenges legal, policy and ethical norms between countries and puts both intended parents and gestational surrogates at risk, and can leave the offspring of these arrangements vulnerable in a variety of ways, including parent–child, immigration and citizenship status.

# Ethical Issues

Does society have rights over women? If so, where are a woman's human rights?

Should surrogacy be seen as a contract just like any other contract? If so, should it be enforceable? Consider, for example, the situation in which the surrogate mother wants abort a foetus that shows signs of Downs Syndrome.

Do we need to redefine motherhood? How should the relationship be expressed as a genetic motherhood, gestational motherhood, and social motherhood?

What are the legal and social implications of a person who acts as a surrogate mother many times?

To whom should the child 'belong'? What happens if the baby is damaged at birth?



# Internet Advert

Surrogacy in India - surrogacy high success rates

[www.mother-surrogate.info/](http://www.mother-surrogate.info/)

100% resulted, big donors' database

About the clinic - Our services: Contacts, Egg donors

[Fertility Tourism: Seeking Surrogacy in India, Thailand, Mexico ...](http://www.newrepublic.com/article/115873/fertility-tourism-seeking-surrogacy-india-thailan...)

<http://www.newrepublic.com/article/115873/fertility-tourism-seeking-surrogacy-india-thailan...>

10 Dec 2013 ... Fertility tourism is a booming business in **India**, but is it worth it?

[Infertile Americans Go to India for Gestational Surrogates - ABC](http://abcnews.go.com/Health/infertile-americans-india-gestational-surrogates/story%3Fid%3D...)

[News](http://abcnews.go.com/Health/infertile-americans-india-gestational-surrogates/story%3Fid%3D...)

<http://abcnews.go.com/Health/infertile-americans-india-gestational-surrogates/story%3Fid%3D...>

7 Nov 2013 ... Rhonda and Gerry Wile turned to gestational **surrogacy**, a growing trend ... They didn't stay in the United States, but went abroad to **India**

# Surrogacy

British couple are to become parents of two sets of twin babies carried by two Indian surrogate women they have never met.

Experts say twiblings - or children born to separate surrogates but created from the same batch of embryos - are not uncommon in India.

Sir Elton John and David Furnish welcomed their second son Elijah on January 11, 2013. The doting daddies used the same surrogate mother for their 2-year-old son Zachary.

“She is a wonderful, kind and loving woman,” Elton said of their surrogate, who thinks of her as “part of our family.”

The couple used the same egg donor for both boys and have chosen not to find out either of their son’s paternity.

# Problems - Surrogacy

1985 – Baby Cotton – £6,500 = COTS

1986 – Baby M. Mary Beth Whitehead mother  
William and Elizabeth Stern – Surrogate Parents

2010 – Baby Manji – Surrogate parent Japanese  
Baby stateless – passport Japanese Embassy refused  
Grandmother – Emiko Yamada – certificate of identity

2011 - The woman had initially agreed to give the baby to a wealthy man and his wife, believing they were the 'perfect couple' to raise a child. As part of the deal she was paid £4,500 in expenses. Miss N had 2 children. After birth refused to hand over the baby due to note violence.

Thank you for listening.

Any question