

# Surrogate motherhood For the worst... and the best

## Procreative exile in International context

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## Plan

- What is surrogacy ?
- Medical aspects
- Legal aspects
- Short and long term risks for patients, surrogates and families
- Conclusions



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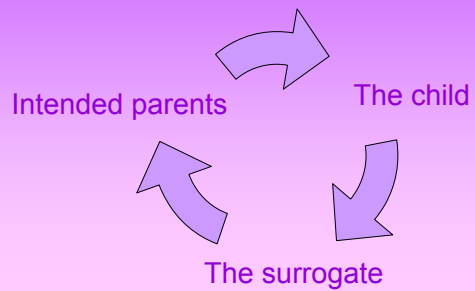
## What is surrogacy ?

- When a woman is carrying a child who will be raised by another couple = surrogate mother (SM)
- Infertile couple = intended parents (IP)
  - No uterus
  - Uterus unable to perform the pregnancy
  - Medical condition forbidding pregnancy



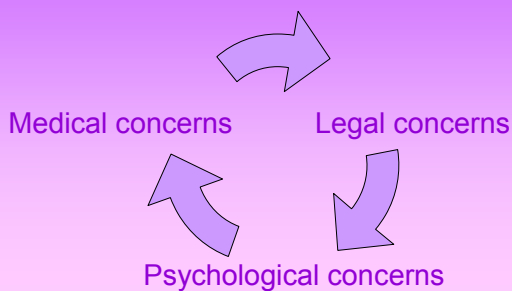
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## Different sort of concerns



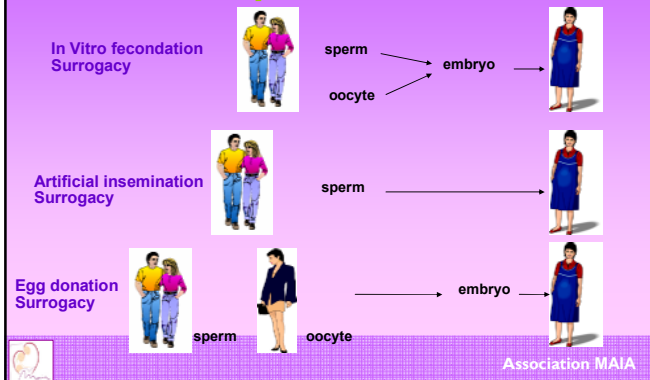
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## Different sort of concerns



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## Medical aspects – most frequent cases



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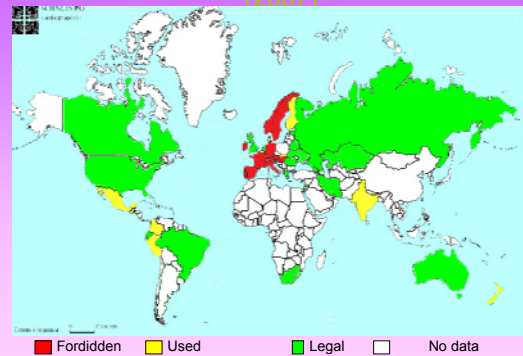
## Different legislative framework

- **Illegal** : punished by law, “no” possible parental rights between child and intended parents
- **Used** : no law, neither legal nor illegal ; « the mother is the woman who gives birth » : difficulties to establish maternal rights
- **Legal** : a law specifically deals with surrogacy and organise transfer of parental rights



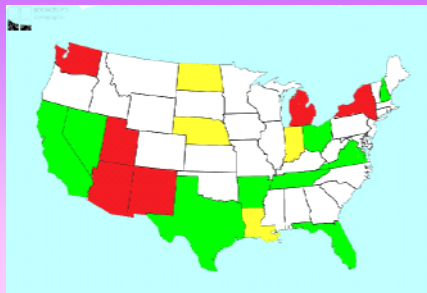
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## Surrogacy -international laws (2007)



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## No federal law in the USA



Forbidden Used Legal No data



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## Different practical framework

- **On commercial basis** : USA, India, Ukraine...
  - Commercial intermediaries
  - No or minimal control by governments
  - Destination for procreative exile
- **On altruistic basis** : Great Britain, Greece...
  - No commercial agencies
  - No or limited compensation for surrogates
  - Limited to residents



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## Some difficulties and risks

### •Medical risks

- Costs of those journey --> transfer of >2 embryos
  - Risks of multiple pregnancy
  - For the surrogate
  - For the children
- No medical insurance for the babies



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## Some difficulties and risks

- **Legal risks** : Ways to establish parental rights
  - Depending of the birth location : USA : american citizen, passports to go home
  - Depending of the nationality of IPs : parental rights need to be recognized by the IPs country
    - If not : no passport, no way to go home (Ukraine, India)
- **Commercial agencies do not inform the prospective IPs**



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## Some difficulties and risks

- In France, surrogacy is socially accepted if :
  - IPs are genetic parents of the child
  - If surrogate did it for altruistic reasons, no exploitation
  - If there is a good ongoing relationship between IPs and surrogate
  - If there is no secret toward the child
- In those conditions : no/less tendency to secret
- Preserves the possibility of contacts child/surrogate



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## Some difficulties and risks

- Conditions not met everywhere :
  - Eastern countries, India : financial motivation
    - Informed consent ?
    - Medical risks increased for surrogate/child
  - Not socially accepted : surrogates need to hide
    - Psychological risk at short and long term
- What story for the child ? Secrecy ?
- Long term contacts with the surrogate ?



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## Conclusions

- Surrogacy can be ethical under some precise circumstances
- It implies consequences at short and long term for the surrogate and the family
- Many aspects are unknown by couples considering surrogacy
- Procreative exile is a second best
- Patient associations should work for a legal framework in their country



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