
Global Certificate Course in Surrogacy Legal Framework

International Perspectives on Surrogacy Laws

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Surrogacy is a complex and contentious issue that varies greatly in legality and regulation from country to country. Understanding the international perspectives on surrogacy laws is crucial for anyone involved in the field of assisted reproduction. In this glossary, we will explore key terms related to surrogacy laws from a global perspective.

Altruistic Surrogacy

Altruistic surrogacy is a type of surrogacy where the surrogate mother does not receive financial compensation beyond the reimbursement of medical and other pregnancy-related expenses. This form of surrogacy is legal in some countries, such as Australia and the UK, but prohibited in others where commercial surrogacy is more common.

Biological Parentage

Biological parentage refers to the genetic relationship between a child and their biological parents. In the context of surrogacy, biological parentage can be a complex issue, especially in cases where one or both intended parents are not genetically related to the child born through surrogacy.

Commercial Surrogacy

Commercial surrogacy involves a financial transaction between the intended parents and the surrogate mother. In some countries, commercial surrogacy is legal and well-regulated, while in others, it is prohibited due to ethical concerns about the commodification of reproduction.

Donor Conception

Donor conception refers to the use of donated sperm, eggs, or embryos in assisted reproduction. In the context of surrogacy, donor conception may be used if one or both intended parents are unable to contribute their own genetic material to create a child.

Embryo Transfer

Embryo transfer is the process of placing one or more embryos into the uterus of the surrogate mother during a surrogacy arrangement. This step is crucial in the surrogacy process and can determine the success of the pregnancy.

Family Law

Family law is the branch of law that deals with legal issues related to family relationships, including marriage, divorce, adoption, and surrogacy. In the context of surrogacy, family law governs the legal rights and responsibilities of all parties involved in the surrogacy arrangement.

Gamete Donation

Gamete donation involves the donation of sperm or eggs by a third party for use in assisted reproduction. In surrogacy, gamete donation may be necessary if one or both intended parents are unable to conceive a child using their own genetic material.

Human Rights

Human rights are fundamental rights and freedoms that every individual is entitled to by virtue of being human. In the context of surrogacy, human rights issues may arise concerning the rights of the surrogate mother, the intended parents, and the child born through surrogacy.

Intended Parents

Intended parents are the individuals or couples who commission a surrogacy arrangement in order to have a child. Intended parents may be genetically related to the child, or they may use donor gametes to conceive a child through surrogacy.

Jurisdiction

Jurisdiction refers to the legal authority of a court or government to make decisions and enforce laws. In the context of surrogacy, jurisdictional issues can arise when the intended parents, surrogate mother, and child are located in different countries with conflicting laws regarding surrogacy.

Legal Parentage

Legal parentage refers to the legal status of being recognized as a parent by law. In surrogacy arrangements, legal parentage may be established through a court order, a pre-birth order, or a parental order, depending on the laws of the country where the surrogacy takes place.

Medical Tourism

Medical tourism is the practice of traveling to another country to receive medical treatment, including assisted reproduction services like surrogacy. In the context of surrogacy, medical tourism is common in countries where surrogacy is more affordable or legally permissible.

Nationality and Citizenship

Nationality and citizenship are legal statuses that determine a person's allegiance to a particular country. In the context of surrogacy, issues of nationality and citizenship may arise when a child is born through surrogacy in a country where the intended parents are not citizens.

Parental Order

A parental order is a legal document that transfers parental rights and responsibilities from the surrogate mother to the intended parents in a surrogacy arrangement. In countries where parental orders are required, the intended parents must apply to the court to obtain legal parentage of the child born through surrogacy.

Reproductive Rights

Reproductive rights are the rights of individuals to make decisions about their own reproductive health and family planning. In the context of surrogacy, reproductive rights issues may arise concerning the autonomy and consent of the surrogate mother, the intended parents, and the child born through surrogacy.

Surrogacy Agreement

A surrogacy agreement is a legal contract that outlines the terms and conditions of a surrogacy arrangement between the intended parents and the surrogate mother. The surrogacy agreement typically covers issues such as compensation, medical care, and parental rights.

Termination of Parental Rights

Termination of parental rights is the legal process by which a person's rights and responsibilities as a parent are legally ended. In the context of surrogacy, termination of parental rights may be necessary if the surrogate mother decides to keep the child or if the intended parents are unable or unwilling to care for the child.

Uniform Parentage Act (UPA)

The Uniform Parentage Act (UPA) is a model law that governs parentage and custody issues in the United States. The UPA provides guidelines for establishing legal parentage in cases of assisted reproduction, including surrogacy, and helps to ensure the rights of all parties involved in the surrogacy arrangement.

Visa and Immigration

Visa and immigration laws govern the entry and residency of individuals in a foreign country. In the context of surrogacy, visa and immigration issues may arise when the child born through surrogacy is brought to the intended parents' home country, requiring legal documentation and approval from the relevant authorities.

Welfare of the Child

The welfare of the child is a legal principle that prioritizes the best interests of the child in decisions concerning their care and upbringing. In the context of surrogacy, the welfare of the child is a central consideration in determining parental rights, custody arrangements, and the overall well-being of the child born through surrogacy.

Xenotransplantation

Xenotransplantation is the transplantation of organs, tissues, or cells from one species to another. While not directly related to surrogacy, xenotransplantation raises ethical issues similar to those surrounding assisted reproduction, including concerns about consent, commodification, and the welfare of the individuals involved.

Youth Protection Laws

Youth protection laws are regulations that aim to protect the rights and well-being of children and young people. In the context of surrogacy, youth protection laws may be invoked to ensure that the child born through surrogacy is provided with a safe and nurturing environment, free from exploitation or harm.

Zero-sum Game

A zero-sum game is a situation in which one party's gain is exactly balanced by another party's loss. In the context of surrogacy, some critics argue that surrogacy arrangements create a zero-sum game where the interests of the intended parents, surrogate mother, and child are in conflict, leading to ethical dilemmas and legal challenges.

This glossary provides a comprehensive overview of key terms and concepts related to international perspectives on surrogacy laws. By understanding these terms, practitioners and policymakers can navigate the complex legal and ethical landscape of surrogacy with greater clarity and insight.