

reports and press releases

Report adopted on March 10, 2009

Surrogacy

Bull. Acad. Natle Méd, 2009, Tome 193, No 3, p 583-619

Surrogacy

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in the name of a Working Group *

SUMMARY

After defining surrogate pregnancy and distinguishing cases in which the surrogate mother simply bears the child from those in which she is also the egg donor, the authors summarize foreign legislation in this area, together with the task force hearings and literature. They list arguments for and against removing the current ban on surrogate motherhood. Arguments for include: (1) infertility due to the lack of a uterus, either congenitally or following hysterectomy, or to functional destruction of the uterus, repeated failure of in vitro fertilization, and the existence of a disorder that would threaten the future mother's life if she were to become pregnant; (2) perception of this infertility and the resulting suffering as an injustice; (3) the lack of alternative solutions; (4) the difficulties of adoption, and the fact that the adopted child does not carry the genes of the adopting parents; (5) the current recourse to surrogate mothers abroad, which is costly, discriminatory and leaves the child in a difficult legal situation on its return to France; (6) the generally satisfactory observed outcomes. Arguments against include: (1) the ban on financial exploitation of the human body; (2) possible exploitation of the surrogate mother; (3) the risk of undermining the symbolic value of maternity; (4) psychological and physical risks for the surrogate mother; (5) psychological and physical risks for the child; (6) risks for the surrogate mother's couple and her other children; (7) risks for the infertile couple; (8) the risk of abuse and (9) financial issues. Two particular cases are envisaged: one in which the surrogate mother is also the biological mother, and another one in which the surrogate mother is a member of the family. The French Academy of Medicine considers that surrogate pregnancy is not only a medical matter but one that raises questions for society as a whole and should be dealt with principally by the legislator. In contrast, the Academy considers that it is within its remit to consider the possible complications that might ensue if this practice were to be legalized. The Academy points out that the long-term mental and physical risks are poorly assessed and recommends that, if surrogate pregnancy were to be legalized, the risks should be strictly evaluated, both objectively and transparently, and the practice should be strictly controlled