

Editorial

Surrogacy around the world

Surrogacy is an encouraging management for many childless couples and can hypothetically resolve many unbearable pain that they are confronted¹. Initially surrogacy treatment was frowned upon, however, surrogacy is more popularly accepted now a day¹.

Perez (cited in Svitnev) reported that different states of USA have different rules and regulations on surrogacy². Most of the states have laws allowing surrogacy. But surrogacy is totally prohibited in Washington DC, New Jersey, Michigan, Louisiana, and New York³. On the other hand, Idaho, Wyoming, Nebraska, Iowa, Mississippi, Tennessee, Virginia, Indiana and Arizona have law on surrogacy but practices are potentially hurdles³. It is interesting to note that through there is no law on surrogacy in California but surrogacy is permissible in this states². South America ban surrogacy⁴.

Like the USA, different states of Australia has different law on surrogacy. Surrogacy is allowed in Western Australia, New South Wales and Australia Capital Territory. Conversely, Victoria, South Australia and Tasmania have law on surrogacy but it is very hard to carry out the procedure in these states⁵.

In European, surrogacy is allowed in UK, Belgium, Netherlands, Holland, Finland, Portugal, Ukraine⁶ Greece and Russia². Commercial surrogacy is prohibited by law in UK. Some charitable organizations such as Surrogacy UK, ISSUE, CHILD, COTS are working for surrogacy in Britain under Human Fertilization and Embryology Act 1990⁷.

Italy was one of the pioneer on surrogacy in the world. However, in 2004, Surrogacy was banned by the legislation. Matorras (2005 cited in Inhorn 2010) reported that officially traditional Catholic Spain prohibits surrogacy but per se it is not prohibited and it is one of the European epicentre of reproductive tourism⁸. Switzerland, Sweden have no law for surrogacy.

“Israel legalized surrogate motherhood in 1996. The surrogate can be paid only for legal, insurance expenses and compensated for her time, loss of income and pain”⁹.

In South Africa, surrogacy is allowed including partial, genetic and commercial. Court of South Africa gives unprecedented liberty to surrogate mother to terminate surrogate agreement even within genetic parent at any time by filing a written notice².

In Asia, although surrogacy is a grey arena nonetheless a news published by the Southern Metropolis Weekly and reported that around a quarter million (25,000) babies were born in China by commercial surrogacy arrangement. Surrogate industry challenges the country's strict one child birth laws². Reuters (2009 cited in Svitnev 2006) said Guangzhou authorities for the first-time held three young surrogate mothers and forced them to abort their fetuses². Only India has law in favour of surrogacy among Asian countries. Even commercial surrogacy is popular from 1992². However, Korea operates the ART without statute and guideline¹⁰.

All 62 Muslim countries disapprove surrogacy¹¹, e.g. United Arab Emirates, Kuwait, Qatar, Bahrain, Saudi Arabia, Syria, Egypt, Sudan, Morocco, Sub Sahara Muslim country, Turkey, Indonesia, Malaysia, Afghanistan, India,

Pakistan, Bangladesh etc.^{12, 13}. In 1999, Iran issued a verdict electively permitting surrogacy. This ruling achieves acceptance in parts of the Shi'ite population e.g. Iran, Lebanon, and part of Saudi Arabia, Bahrain, Iraq, Syria, Afghanistan, India and Pakistan¹⁴.

Surrogacy is not recognized by 199 country in the globe. Different country has different regulations on surrogacy. However, "there are some indication of the degree of divergence between official discourse and actual practice of surrogacy throughout world"⁹. There are positive changes in attitude toward surrogacy has been seen for some countries. This special issue of Bangladesh Journal of Bioethics has been organized on surrogacy to see the current thinking of surrogacy around the world and how people come out from the social, religious and political framework.

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