



ISS Australia Position Statement

International surrogacy

Core Position

1. ISS Australia supports current Australian legal arrangements where altruistic surrogacy is allowed but commercial surrogacy is prohibited. ISS Australia supports the development of international principles and instruments regulating surrogacy to ensure the practice is properly regulated internationally to support the best interests of children and to prevent the exploitation of women.

Introduction

2. Parenthood by means of surrogacy has become possible for a growing number of intending parents. With differing surrogacy regulation across the world, an international market for surrogacy services has developed, with fertility clinics and other intermediaries promoting their services internationally to intending parents in countries that may not have basic protections for women and children, nor meet the criteria for more regulated surrogacy arrangements in their countries of origin.

Statement of Principles

3. As ISS Australia may work with clients impacted by international surrogacy in our international social work it is important that we have a policy in this area.
4. ISS Australia's services and advocacy are underpinned by the provisions of the United Nations Convention on the Rights of the Child (UNCRC 1989). The UNCRC defends the rights of children and support their connections to family and their origins across national borders.

5. ISS Australia recognises the right of all children born through surrogacy arrangements, including international commercial surrogacy, to be informed about the circumstances of their conception and to have rights of access to information and records regarding their conception and birth circumstances and that records be kept in perpetuity.
6. We advocate for transparent record-keeping enabling people conceived via surrogacy to have access to records relating to the identity and medical history of their surrogate mother as well as the donors of the eggs, sperm or embryos which facilitated their conception. Donors should never be anonymous.
7. ISS Australia endorses the current legislative position in Australia where altruistic surrogacy is allowed but commercial surrogacy is prohibited. We concur with the existing requirements in most Australian states for intending parents and surrogate mothers to participate in extensive independent counselling, medical and psychiatric assessment, and legal advice prior to and during the surrogacy process.
8. Regarding commercial surrogacy arrangements, ISS Australia does not support legalising such arrangements in Australia. We caution that the promotion of commercial surrogacy in the contexts of wider socio-economic disparity may lead to the exploitation of some women and risks for children.
9. ISS Australia favours regulation of international surrogacy via international principles and international instruments such as those developed by the Hague Conference on Private International Law (HCCH).
10. We strongly support the work the ISS Secretariat is doing, with the support of Australian experts, to draft *The Verona Principles for the Protection of the Rights of the Child in the Context of Surrogacy*. We urge the United Nations and nation states to prioritise the development of and debate about these principles and their implementation and review once finalised.
11. We call on policy makers to ensure the voices of people with lived experience and particularly people born through international surrogacy are fully included in policy development. For instance, a group of people with lived experience recently developed *Making Humans: International Principles for Donor Conception and Surrogacy* which offers comprehensive and detailed policy advice in this area.

12. International regulation of surrogacy is required to ensure that the best interests of the child are at the forefront of surrogacy regulations, that vulnerable women are not exploited under commercial surrogacy arrangements and that international norms are implemented around citizenship and nationality rights for surrogate children born outside of intending parents' country of origin.
13. ISS Australia supports ongoing independent research into the short and long-term health and psychosocial impact of surrogacy on children born through surrogacy, their surrogate mothers and intending parents.

Definitions

Commercial surrogacy generally refers to a surrogacy where the surrogate mother is paid for her services beyond the level of reasonable medical expenses. The surrogate mother may often not be known by the intending parents before the arrangement is entered into.

Altruistic surrogacy generally refers to when a surrogate mother is paid only for reasonable medical expenses and not provided with any additional compensation. The surrogate mother is often a family member or close friend of the intending parent.

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