

Thailand bans surrogacy for foreigners after scandals

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Thailand has passed a law banning foreign couples from using Thai women as surrogates after a series of high-profile scandals tainting the image of the hitherto unregulated industry.

The legislation was unanimously approved by Thailand's junta-picked parliament Thursday in a bill spurred by the case of an Australian couple accused of abandoning a baby with Down's syndrome carried by a Thai surrogate while taking his healthy twin sister.

"Thailand and its women's uteruses will no longer be a hub" for surrogacy, said National Legislative Assembly member Wallop Tungkananurak.

Under the new law, likely to be enforced by June, only Thai couples or those where one partner comes from Thailand and who have been married at least three years will be eligible to use surrogates in the kingdom.

People seeking surrogacy in the country will have to prove that they are unable to bear children and have no relatives to act as surrogates on their behalf.

Anyone found breaching the law could face up to 10 years in jail, said Wallop.

Official figures on surrogacy in Thailand are limited as most couples do

not register but the majority of service users are foreign, according to the Thai medical council, a regulatory body, and the law may leave scores in limbo.

Sam Everingham, global director of Families Through Surrogacy, said the legislation would "make it a lot harder" for many prospective parents but welcomed the move to clear up a murky legal area.

"We welcome clarification the law has brought for many... We don't want parents engaging in a country where compensated surrogacy is not welcome," said the Sydney-based Everingham.

In a dilemma

According to an estimate by the surrogacy organisation there are around 300 Thai surrogates currently carrying babies for foreigners.

Everingham said while his understanding was that existing pregnancies "will be allowed to complete", the new law could put some couples in a dilemma.

"There are at least 80 couples from European countries" being forced to find ways around the ban including by having one member of the couple marry the surrogate, he said.

Commercial surrogacy is officially banned by the Medical Council of Thailand (TMC) and authorities moved to close several IVF clinics in the weeks after the scandal over the Australian couple last August.

The pair denied deliberately leaving the boy, called Gammy, with the Thai surrogate mother, who was paid around \$15,000 to carry the twins.

Gammy's biological father, David Farnell, a convicted sex offender, is

under investigation by Australian authorities regarding the wellbeing and safety of Gammy's twin, Pipah.

Some experts in Thailand think the legislation does not go far enough.

"I am not happy with this law... Only foreigners are targeted, Thai couples are not restricted," Sappasit Kumprabhan, a child rights activist who helped draft the bill, told AFP.

But TMC's president Somsak Lolekha said he supports the legislation as a means to widen the net to prosecute those who break the law while retaining the service for Thais.

"Life has changed, people marry late so it is more difficult for them to have babies, and surrogacy can help," he said.

Last August another surrogacy controversy erupted when nine babies fathered by a Japanese man using Thai surrogate mothers were discovered in a Bangkok apartment.

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