

French families sue state to recognize surrogate births

June 19 2015, by Philippe Sotto

The families of surrogate children who have been effectively denied French citizenship have gone to the country's highest court to challenge the law denying birth certificates for babies born abroad.

Friday's case could change how surrogate births are handled in France, where infertility treatments are highly regulated. Until now, children born abroad to surrogate mothers have been denied French birth certificates and a means to prove citizenship.

Last year, Europe's top human rights court ordered France to change the law, saying France's refusal to recognize the children was "an attack on the child's identity, for which descent is an essential component." France has yet to comply.

Infertile and same-sex couples who want a family have limited options in France. For-profit sperm banks are forbidden, as is surrogate parenthood, because both are seen as commercializing the human body. All sperm and egg donations must be anonymous and from someone who is already a parent.

The high court ruled in 2013, the same year that France legalized gay marriage, that surrogate babies were born fraudulently and could not receive birth certificates even if the biological father was French.

Children born abroad to a French parent are otherwise automatically granted a French birth certificate in addition to whatever citizenship is

conferred by the birth country.

"For France, these are neither my children nor my husband's," said Sarah Levine, a Denver native who is married to a Frenchman and is the mother of two children born to surrogate mothers in the United States.

"According to French law, we are nothing."

A gay couple with two children born to surrogate mothers in Russia has challenged the law. In both cases, the Russian birth certificates bear the names of the French fathers and the Russian mothers.

At court on Friday, Patrick Spinosi, a lawyer arguing on behalf of parents, said French courts had to resolve "the deafening silence of legislators." He described the 200 children involved as "ghosts of the Republic."

Jean-Claude Marin, a lawyer for the government, condemned the "commodification of women's bodies," although he said he would not oppose recognizing children whose French fathers can prove a biological link.

The court plans to rule on July 3.

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