

Thailand bans commercial surrogacy for foreigners, singles

August 7 2015, by Penny Yi Wang

Thailand, once a top choice for would-be parents around the world who were seeking a surrogate, has narrowed the choices for people looking to hire a woman to carry a fetus in her womb.

It had been one of the handful of Asian countries where commercial surrogacy was not specifically banned. And the cost of having a baby by surrogate, often with an implanted embryo from biological parents, was less than \$50,000 in Thailand, compared to about \$150,000 in the United States.

However, recent scandals in Thailand involving foreign clients caused a public outcry. In one case, an Australian couple abandoned an infant born to a surrogate last year after they found out the baby had Down syndrome. In another, the son of a Japanese billionaire hired at least a dozen surrogate mothers in what appeared to be an eccentric effort to replicate himself.

The law that took effect on July 30 prohibits commercial surrogacy serving foreign clients, with violations punishable by up to 10 years in prison and a fine of up to 200,000 baht (\$6,200). Only Thai heterosexual couples married for more than three years can hire surrogates, a provision that excludes gay people since same-sex marriage is not recognized.

Under an earlier law, the surrogate mother had full rights over the newborn, even though she has no genetic ties with the child. The new

law gives intended parents full rights upon the child's birth. The new law also has a temporary provision that allows intended parents with a surrogacy contract from before the law came into effect to petition in court for full parental rights.

When the law was still being debated, Rarinthip Sirorat, an official from the Social Development and Human Security Ministry, explained to The Associated Press that its purpose was "to give maximum benefits to the surrogate babies."

"What's significant about it is that Thailand is not going to have international surrogacy anymore," said Stephen Page, a surrogacy lawyer at Harrington Family Lawyers in Brisbane, Australia.

When surrogacy is banned in one country, it invariably means the practice will flourish in other places, he said. Other countries in Asia such as India and Nepal are also popular destinations for international [surrogacy](#), and more people will now seek surrogates there.

Details on how to enforce the new [law](#) are still unclear, according to Nandana Indananda, a Bangkok-based lawyer who has been calling for legal reform on the matter.

A current high-profile case could resolve some of the questions. It involves a gay couple—an American and a Spaniard—who cannot take their daughter Carmen out of Thailand because the [surrogate mother](#) decided that she wanted to keep the baby, and refused to sign legal papers allowing the girl's exit from the country.

The situation leaves Gordon Lake, the biological father, and his husband—currently living together in Bangkok with Carmen and a toddler son—in legal limbo.

They hope that by going to court, they will be able to have full and uncontested rights to Carmen, if the judge interprets the applicable laws in their favor.

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