

Awareness of Legal, Ethical and Social Aspects of Surrogacy among Couples Attending Treatment for Infertility- A Questionnaire Based Study

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Abstract

Traditional dictionaries define mother as a woman who has given birth to a child. But recent advances in modern reproductive medicine have changed the basic concepts leading due to questioning of the basic definition of motherhood. Surrogacy is one such recent advancement in which a woman by contract agrees to bear the child of another couple on compassionate grounds or for monetary compensation. Awareness of this facility among common public is less due to social stigma attached to infertility treatment. In this study awareness of legal, ethical and social aspects of pregnancy has been assessed.

Key Words: Mother; Reproductive medicine; Infertility; Surrogacy.

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Introduction:

Motherhood is no longer a simple concept. Black's law dictionary defines 'mother' as a woman who has given birth to a child¹. Recent advances in reproductive technologies have called into question this basic definition of motherhood. Developments in reproductive medicine over the last few years have created unprecedented public interest in human reproduction with demands not encountered previously and their attendant moral dilemmas. Reproductive science has come in with techniques like donor insemination, in vitro fertilization and embryo transfer which have completely revolutionized the reproductive environment. These techniques have infused hope into many infertile couples, who long to have a child of their own. One aspect in human reproduction is surrogacy i.e. surrogate motherhood. All over the world, surrogacy is gaining popularity despite controversial legal, ethical and social hassles. Women who agree to become surrogates may do so for compassionate reasons.

They may also do for financial remuneration, and this could be a woman with or without children, known or unknown to the couple, who rents her womb for fee. In this paper, attempts have been made to assess the awareness of legal, ethical and social aspects of surrogacy among couples attending treatment for infertility.

Objectives:

To assess the awareness of legal, ethical and social aspects of surrogacy among couples attending treatment for infertility.

Materials and Methods:

Study centre: Suriya hospitals, Chennai

Inclusion criteria: Couples attending infertility clinic who consent to participate in the study.

Exclusion criteria: Couples coming for treatment other than infertility.

In the study, couples who came to an infertility centre for treatment were given questionnaires after getting informed consent for participating in the study. The questionnaire consists of preliminary details like age, socio-economic status, time since marriage, awareness of various methods adopted for infertility treatment,

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awareness of surrogacy, adoption and source of information regarding surrogacy. The responses to the questions were tabulated and analysed.

Results & Discussion:

Duration of Married Life

In the present study, maximum numbers of couples were married for duration between 5-10 yrs comprising of 65.7% of total 35 infertile couples. This was followed by duration of married life between 10-15 yrs that constituted 20% of the total cases. Duration of married life between 15-20 yrs constituted only 5 infertile couples i.e., 14.3% of total cases. In a study done by MacCallum et al, the average period of time for which couples had tried to conceive before adopting surrogacy was observed as 7.5 years.²

Table 1-Showing duration of married life

Sl. No	Duration of married life	Total no. of infertile couples	%
1	5-10yrs	23	65.7%
2	10-15yrs	7	20%
3	15-20yrs	5	14.3%
		35	100%

Table II-Showing the awareness of adoption

No	Awareness of Adoption	Total no. of infertile couples	%
1	Yes	26	74.3%
2	No	9	25.7%
		35	100%

Incidence of Awareness of Adoption

In the present study of 35 Couples, 74.3% of the infertile couple were aware of adoption and its detail. 25.7% were not aware of adoption.

Incidence of Awareness of Surrogacy

In the present study 88.6% were aware of what is surrogacy about 11.4% did not know what surrogacy was about. In a study to assess awareness of surrogacy, 66.67% of the study subjects were positively aware of surrogacy. The study concluded that media, be it, print, online, cinema or broadcast media was responsible for the present status of awareness of surrogacy among people.³

Table III-Showing awareness of surrogacy

Sl. No	Awareness of surrogacy	Total no. of infertile couples	Percentage
1	Yes	31	88.6%
2	No	4	11.4%
		35	100%

Incidence of Couples Willing To Have a Child Through Surrogacy

When elaborated about surrogacy, 82.9% were not willing to have a child through surrogacy and 17.1% accepted surrogacy as a method. In a study to assess the viewpoint of infertile Iranian women, it was observed that the infertile women believed that surrogacy better than adoption or not having children. However, 43.1% of the women expressed that they would not advice surrogacy to other women. This has been attributed to the fact that they consider surrogacy as a last method. It has also been reported that infertile women's attitudes toward surrogacy practice has changed in the recent past and surrogacy is slowly gaining popularity.⁴

Table IV- Showing the willingness of infertile couples to have a child through surrogacy.

No	Willingness	Total no. of infertile couples	Percentage
1	Yes	6	17.1%
2	No	29	82.9%
		35	100%

Incidence of Awareness about the Types of Surrogacy

88.6% did not know about the types of surrogacy and 11.4% knew the types of surrogacy.

Table V-Showing awareness about the types of surrogacy.

No	Awareness of types of surrogacy	Total no. of infertile couples	Percentage
1	Yes	4	11.4%
2	No	31	88.6%
		35	100%

Incidence In Whom to Choose As Surrogates

In the present study, 17.1% said that they would choose a paid person as a surrogate. 82.9% would choose a non-relative as a surrogate. 2.9% said they would choose a relative as surrogate. Most of the couples prefer paid, non-relatives over known people as they didn't prefer to stay in touch with the surrogate. This preference could be due to emotional insecurity on the part of the commissioning couples and anxiety that the child might get more attached to the surrogate mother than the commissioning mother. Also being in touch with the surrogate can be a constant reminder of their inability to conceive naturally.

Table VI-Showing options in selection of surrogate.

No	Options as surrogates	Total no. of infertile couples	%
1	Paid	22	17.1%
2	Non-relative	12	82.9%
3	Relative	1	2.9%
		35	100%

Incidence of Awareness about the Legal Implications of Surrogacy

In the present study, 88.65 did not know legal implications about surrogacy. 11.4% knew the legal implications about surrogacy.

Table VII-Showing awareness about the legal implications of surrogacy.

No	Awareness of legal implications	Total no. of infertile couples	%
1	Yes	4	11.4%
2	No	31	88.6%
		35	100%

Incidence of Awareness about the Ethical Implications of Surrogacy

In the present study, 91.4% did not know the ethical implications surrogacy. 8.6% knew the ethical implications of surrogacy.

Table VIII –Showing awareness about the ethical implications of surrogacy.

No	Awareness of ethical implications	Total no. of infertile couples	%
1	Yes	3	8.6%
2	No	32	91.4%
		35	100%

Incidence about the Information to the Child about Surrogacy

In the present study, 80% said, they will not inform the child about the surrogacy. 20% said they will inform the child about the surrogacy. This is yet evidence to the emotional insecurity of the commissioning couples who do not wish to share their child's love with the surrogate.

Table IX-Showing the incidence of information of surrogacy to the child

Sl. No	Information	Total no. of infertile couples	%
1	Yes	7	20%
2	No	28	80%
		35	100%

Incidence of Source of Information about Surrogacy

In the study 35 infertile couples, 26 couples i.e., 74.3% came to know about i.e., 8.6% the source of information was through Doctors. In a previous study, awareness about surrogacy among couples was majorly attributed to media.³

Table XI-Showing the incidence of source of information about surrogacy

Sl. No	Source of Information	Total no. of infertile couples	%
1	Doctors	26	74.3%
2	Media	6	17.1%
3	Relations	3	8.6%
		35	100%

Conclusions

The present study was undertaken to focus light upon survey to evaluate the attitude of infertile couples about surrogacy. A total number of 35 infertile couples were interviewed. The results

of the present study are summarized below.

1. Most of the couples were married for duration of 5 -10 years (65.7%).
2. Majority of the couples were aware of adoption (74.3%)
3. Majority of the couples were aware of surrogacy (88.6%)
4. Infertile couples who were not willing to have a child through surrogacy constituted (82.9%).
5. 86.6% were not aware of the types of surrogacy
6. 62.9% couples opted paid persons as surrogate
7. 86.6% of infertile couples were not aware of legal implications about surrogacy.
8. 91.4% of infertile couples were not aware of ethical implications about surrogacy.
9. Majority of couples (80%) said they would not inform the child about surrogacy.
10. In 74.3% of infertile couples the source of information was from doctors.

Recommendations

Surrogacy is legal in India. The lower costs, English speaking environment and easy availability of surrogates has put India on the map of fertility tourism. Also lack of smoking, alcoholism and drug abuse among majority of Indian women is considered as a desirable trait to be a surrogate. Commercial surrogacy is therefore a growing business where women give their 'wombs for rent' for monetary compensation. Though a lot of women are willing to be surrogates, most of them are unaware of the legal, ethical and social issues involved in it. There are high chances of surrogates being exploited more so if they belong to an under-privileged background.

The only existing guidelines are the one given by the "Indian Council for Medical Research" in the year 2005 regulating Assisted Reproductive Technology procedures. An 'Assisted Reproductive Technology Bill', has been proposed but pending for presentation in the Indian Parliament^{5,6}. The present study re-iterates the need for involvement of government and non-governmental agencies to improve awareness about various infertility treatment techniques among the lay-people. The need for a comprehensive law that regulates assisted reproductive techniques cannot be over-emphasized. Such a law will not only guide the scientific community but will also prevent exploitation of the vulnerable.

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