

Now reviewed: new book (in Spanish) on surrogacy

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(Note: publication of this book was announced earlier.)

La gestación por sustitución en el derecho internacional privado y comparado

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This highly informative and timely book edited by María Mercedes Albornoz addresses the pressing challenges presented by surrogacy arrangements. With contributions from Nuria González Martín, Verónica Esparza, Ximena Medellín Urquiaga, Isabel Fulda, Rebeca Ramos, Regina Tamés, Mónica Velarde, Federico Notrica, Cristina González Beilfuss, Rosa Elvira Vargas, María Virginia Aguilar, Francisco López González, María Mercedes Albornoz and Nieve Rubaja, and a thought provoking preface by Eleonora Lamm, this collection contains a remarkable wealth of comparative Ibero-America legal materials on surrogacy. While comparisons are made with the diverse national surrogacy approaches in other parts of the world, much of the comparative discussion centres on the experience of surrogacy in the Americas (in Mexico and Argentina, in particular). The careful analysis demonstrates the challenges for many states arising from surrogacy arrangements.

The book contains a number of contributions that provide international perspectives on surrogacy. These include, for example, a careful consideration of the impact and relevance of the case law of the European Court of Human Rights (the discussion begs the question whether the Inter-American Court of Human Rights will be seised to consider surrogacy in ways similar to its European cousin) and two reflective discussions on the work and aims of international surrogacy

projects. The current situation in the Americas highlights ever more starkly the need for the international community to come together to consider whether a multilateral framework might be agreed upon which enable states to work together to uphold the human rights of all concerned. Only a holistic analysis by the global community can begin to determine whether international frameworks can achieve these aims.

Yet there are limitations with possible international approaches. There are also limits to what is considered to be morally acceptable. It is rightly posited that it is for each state to consider its national approach to surrogacy (which may include prohibition) but public policy is not an empty vessel and it cannot be deployed as a blanket defence when legal parent-child relationships are established abroad. There is an acceptance that surrogacy is not going to go away, so consideration ought to be given to the more complex and important human rights considerations it raises, which means focusing on the interests of children, as well as those of the surrogate (who in the volume is intentionally not referred to as the surrogate mother) herself.

The book returns, as it were, to Mexico and concludes with a proposed model of regulation in Mexico of cross-border surrogacy arrangements through a private international law lens.

The book is a fascinating read - it would interest anyone from lay readers with an interest in surrogacy to academics, lawyers and other professionals.

Dr. Michael Wells-Greco