

## Press release

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### **Surrogacy myths busted**

#### ***Landmark report shines light on the practice of surrogacy in the UK and calls for legal reform***

- Commonly-held misconceptions are disproved, with clear evidence that:
  - Vast majority of British people wishing to pursue surrogacy do so in the UK and **not** abroad
  - UK surrogacy is altruistic, with the UK surrogacy community firmly rejecting commercialisation
- Overwhelming support for legal reform, in order to:
  - Ensure welfare and interests of surrogate-born children are prime concern
  - Remove uncertainty over parenthood
  - Broaden access to surrogacy

**London, 20 November:** The first ever report of its kind gives unprecedented insight into how surrogacy is practised in the UK and busts a number of pervasive myths that have informed debate in recent years.

Undercutting widespread belief to the contrary, *Surrogacy in the UK: Myth busting and reform* finds that the vast majority of UK intended parents enter into UK-based surrogacy relationships and that they do this on an altruistic basis.

According to the report, published by Surrogacy UK, and written by Dr Kirsty Horsey (a legal academic who has been researching surrogacy and the law for over 18 years), far fewer Britons seek surrogacy overseas than had been previously thought. This dispels the myth that international surrogacy has become commonplace for intended parents from the UK.

The report also shows that there is widespread rejection of any move towards commercialisation of surrogacy. The overwhelming majority of surrogacy in the UK is undertaken by women on an altruistic basis with most UK surrogates receiving less than £15,000 for out-of-pocket expenses incurred, demonstrating that surrogacy is a relationship and not a transaction.

Also highlighted by the report is the overwhelming support (75% of survey respondents) for legal reform in order to better represent how UK surrogacy works in practice. The report shows that both surrogates and intended parents want to remove the legal uncertainty over parenthood at the point of birth. Furthermore, the report finds that 69% of surrogates are



opposed to being able to change their mind about giving a baby back to its intended parents. Only 5% believe that a surrogate should be able to change her mind at any point.

**Natalie Smith, a trustee of Surrogacy UK, comments:**

*"This report shows that most British people who turn to surrogacy to have a family stay in the UK. It is a myth that thousands of Britons are travelling abroad each year for surrogacy.*

*"There is a consensus amongst the surrogacy community, practitioners, leading academics and policy influencers that the time is ripe for legal reform. Law makers need to take action now in order to better meet the needs of intended parents, surrogates and surrogate-born children.*

*"Any reform must reflect that surrogacy is a relationship not a transaction, there is firm rejection of any move to a commercial model. Changes to policy should be centred on the welfare of surrogate-born children.*

*"Allowing the pre-authorisation of parental orders, so that legal responsibility is conferred on intended parents at birth, would go a long way to removing the uncertainty around parenthood."*

**Louisa Ghevaert, leading surrogacy lawyer and partner at law firm Michelmores LLP, comments:**

*"This first of its kind report shines a light on the reality of surrogacy in the UK.*

*"Surrogacy law is outdated and it leaves surrogate born children and their families in limbo.*

*"Legal reform is needed to provide much needed clarity to people undertaking surrogacy in the UK, to reflect their needs and wishes and to protect the welfare of surrogate born children.*

*"Legal reform matters because these are real children and families that are being created through surrogacy in the UK."*

**Author of the report Dr Kirsty Horsey, a senior lecturer at Kent Law School, University of Kent, comments:**

*"The report provides an evidence base from which surrogacy law can be reformed, and the time for that process of reform to begin is now. The law should be based on the realities of surrogacy as it is practised by the majority of those who undertake it, and reflect their perceptions.*

*"The concepts of family and reproduction have changed dramatically since surrogacy law was formed in this country, yet there seems to have been a reluctance to review what is now outdated legislation.*



*“An unprecedented number of surrogates and intended parents contributed to the report, which indicates that the surrogacy community wants its voice to be heard. It should be that voice that helps to inform future debate on the way the law should look.”*

**-ENDS-**

**Natalie and Louisa have significant broadcast experience and are available for interview. To book them as guests or to arrange briefings, please contact:**

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**Notes to editors:**

### **About the report**

Written by Dr Kirsty Horsey (senior lecturer, Kent Law School, University of Kent), a legal academic who has been researching surrogacy and the law for over 18 years and endorsed by Mary Warnock, Professor Margot Brazier and Professor Susan Golombok, *Surrogacy in the UK: Myth busting and reform* gives the most detailed picture of the realities of surrogacy as it is practised in the UK.

The report makes use of official statistics from, among other sources, the Ministry of Justice, Her Majesty’s Passport Office and the Children and Family Court Advisory and Support Service. It also incorporates the views of over 400 surrogates, intended parents and other interested parties in the surrogacy community – the largest ever survey of its kind.

### **Surrogacy UK**

Surrogacy UK was founded in 2002 as a not-for-profit organisation supporting surrogacy within the UK. It is a voluntary organisation run by surrogates and intended parents together.

It offers membership to those looking to be a surrogate, couples looking to have a child through surrogacy and families that have been completed through surrogacy.

Surrogacy UK’s ethos is “surrogacy through friendship” and it encourages surrogates and couples to build friendships prior to embarking on a surrogacy journey.

Surrogacy UK only offer membership to surrogates and couples within the UK. It does not offer support to those undertaking international surrogacy.



The Surrogacy UK Working Group on Surrogacy Law Reform, which oversaw the report, comprises of: Natalie Smith, trustee, Surrogacy UK, Sarah Jones, chairperson, Surrogacy UK; Dr Kirsty Horsey, senior lecturer, Kent Law School, University of Kent; Louisa Ghevaert, partner, Michelmores LLP and Sarah Norcross, director, Progress Educational Trust.

### **Michelmores**

Michelmores LLP is a Top 100 Law Firm with 63 partners, a further 130 lawyers and a total complement of over 460 staff. With offices in London, Bristol and Exeter, Michelmores provides legal expertise to a wide range of national and international clients in Business, Real Estate and Private Client matters.

Michelmores recently received Top Tier recognition from the Legal 500 2015 which commended the firm's Family Team for their exceptional knowledge of family law. Louisa Ghevaert has also been ranked in the Chambers & Partners UK 2016 Guide which notes that she *"is widely recognised for her strength in surrogacy and private law children matters. Sources say 'she is very knowledgeable and wise in her advice. If I had a surrogacy issue it's her I would go to as I trust her to get it absolutely spot-on'"*.

### **Kent Law School, University of Kent**

Kent Law School at the University of Kent is one of the leading law schools in the UK. Ranked 13th in The Times Good University Guide 2016, the School has an international reputation for world-leading research. It is ranked 8th nationally for research intensity in the Research Excellence Framework (REF) 2014.

The School boasts a carefully designed and wide ranging curriculum, an award-winning Law Clinic, a commitment to teaching excellence, and excellent graduate prospects - in The Guardian University Guide 2016, 80% of Law students at Kent had found graduate-level jobs or gone on to further study within six months of graduating in 2014.

Kent Law School has long pioneered a critical approach to the study of law, placing the study of the law within a wider social, economic and political context. This approach has contributed significantly to the thriving and active research culture at Kent Law School, the quality of which is evidenced in the REF profile

The University of Kent is among the best in the UK, ranked 20th in the Times Higher Education (THE) 'Table of Tables' 2016'

### **The Progress Educational Trust**



The Progress Educational Trust is a registered charity (number 1139856) whose Patron is Baroness Mary Warnock, and whose fundamental objective is to create an environment in which ethically sound research and practice in genetics, assisted conception, embryo/stem cell research and related areas will thrive. The ultimate beneficiaries of all of PET's work are families and individuals threatened by infertility and genetic disease, including people wanting an opportunity to give birth to healthy children.