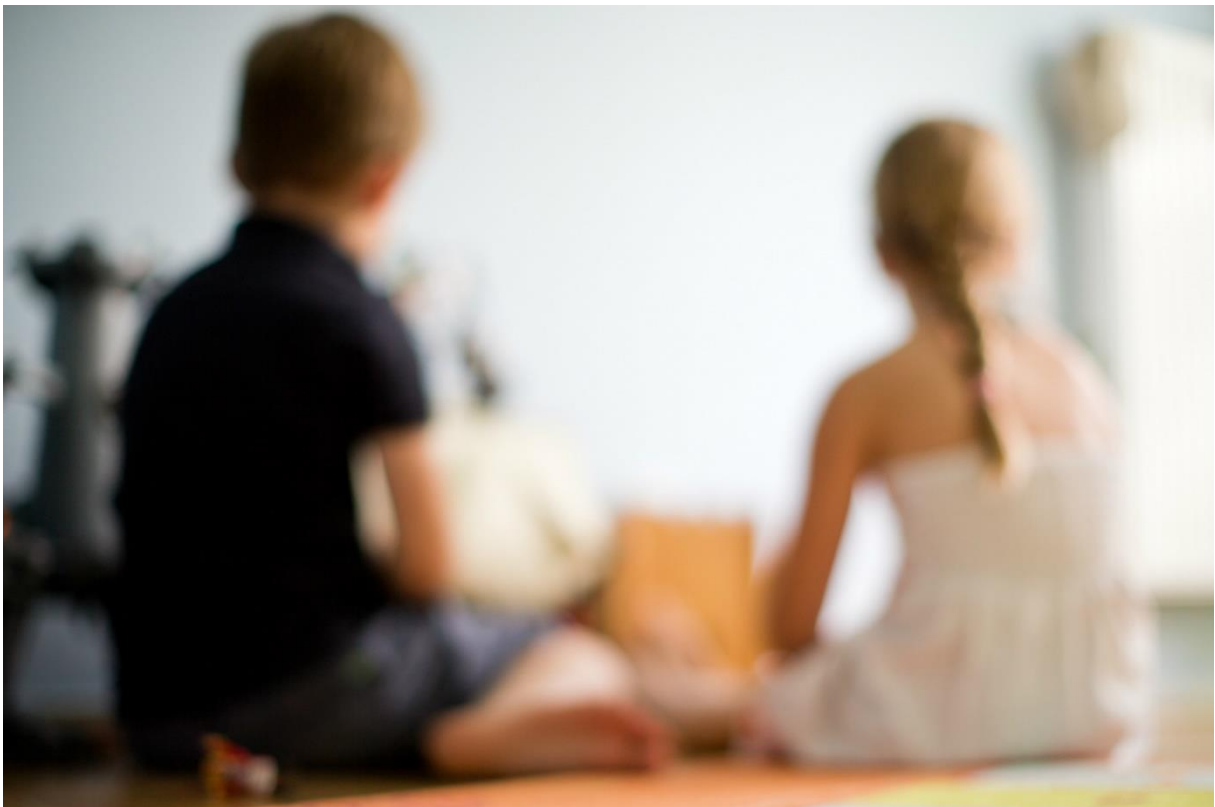


Germany debates legalizing egg donations and surrogacy

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Archive picture shows two German children who were born abroad to a surrogate mother as German law forbids surrogacy. Photo: DPA

A German politician is pushing to legalize human egg donation and surrogate motherhood in Germany - both of which are forbidden by a 30-year-old law.

In addition, up to four people should be allowed to take responsibility for one child, wrote Katrin Helling Plahr, of the Free Democrats (FDP), in a seven-page position paper on liberalizing fertility treatments in Germany.

In Germany it is prohibited by law to have a child delivered by a surrogate mother. According to [Section 1 of the Embryo Protection Act](#), up to three years imprisonment or a fine is imposed on "anyone who undertakes to perform artificial insemination or transfer a human embryo to a woman who is willing to leave her child permanently to a third party after birth".

In such cases, it is the physician, not the donor or the receiving woman, who is punished.

“The Embryo Protection Law is a thing of the past and must be reformed,” the parliamentary member [told](#) German newspaper Tagesspiegel on Monday.

German policy is much too “hesitant” compared to other countries, added Helling Plahr. In Europe, Switzerland, the Netherlands and Luxembourg are the only other countries which forbid surrogate motherhood.

In June, a group of German doctors and medical experts also called for new reproductive health law, calling the current one “outdated”.

The current ban was put in place partially out of worries for a woman's health during a hormonal procedure.

Accepting all family structures

Helling Plahr's initiative also seeks full support for - and acceptance of - all family models.

Currently, state health insurance will only cover half of the costs of fertility treatments if the women wishing to undergo it holds a marriage certificate.

Yet the politician wants to see non-traditional family structures into account, accepting up to four people as the legal parents of one child.

“Everyone who wants to take responsibility for a child deserves the support of his or her desire to have children regardless of whether he or she lives a classic family or not,” wrote Helling-Plahr.

A full 25 percent of childless women and men between the ages of 20 and 50 in Germany are not so by choice, emphasized the FDP politician, who worked as a medical law lawyer before moving into the Bundestag (parliament) in 2017.

The costs of fertility treatments often run in the low five-digit range, says Helling-Plahr. Yet these treatments, however, are “linked to restrictive conditions,” she said, and treatment abroad is not covered at all.

Being able to realize the wish to have a child doesn't only depend on having financial resources, said Plahr, but also on “outdated and incomprehensible norms.”

Creating new rules?

The current Embryo Protection Act dates back to 1990. It was partially put in place to protect the health of woman, who would have to undergo a long hormonal treatment.

Yet in the past 30 years, social values have changed just as much as medical possibilities - and massively, argues Helling Plahr.

For surrogacy, “women in distress” shouldn't have to go abroad, where “surrogacy is exploited,” said Helling-Plahr.

She said, however, that commercial surrogacy should not be allowed, but rather only that for “altruistic purposes” - for example, if a sister or friend decide to carry a child on the behalf of a woman who cannot have a child on her own.

She also called for new rules for egg donation to be based on those which already exist for sperm donors - or creating a central registry in which children later have the option to find out who their biological parents are.

'No legal right'

Despite the FDP initiative carrying some restrictions, the association "Spenderkinder" (donor children) has harshly criticized it and especially the demand for the legalization of surrogacy.

"There is no legal right to a child or a right to become a parent," spokeswoman Anne Meier-Credner told the news agency KNA.

There is a consensus among psychologists that "an arbitrary separation of an infant from its closest confidant, whom it can distinguish from others by smell and voice, is extremely stressful," she added.

The question therefore arises as to whether it is justifiable "to expose an infant specifically to these stresses so that adults can fulfil a wish."

The legal expert of the Green parliamentary group, Katja Keul, [told the](#) Tagesspiegel that the regulations for fertility treatment and reproductive medicine are in need of reform.

"But even non-commercial surrogacy carries the risk of abuse and can be detrimental to the well-being of mother and child," she added.