

ABOVE THE LAW

Will Human Trafficking Surrogacy Charges In Greece Affect The US ?

As far as surrogacy scandals go, the latest one out of Greece looks like a chart topper.

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Last month, news hit of multiple arrests related to a human trafficking ring(!) based out of a fertility clinic in Greece. The clinic, called the Mediterranean Fertility Institute, had been treating patients with infertility for over 30 years, and was [known](#) to be “one of the largest, oldest and most reputable organizations in Greece.” Despite the clinic’s once-glowing reputation, Greek police had been working undercover, investigating the clinic, and even reportedly hacking into the clinic’s e-mail system.

On August 8, 2023, Greek police finally went all in. They raided the clinic and arrested nine members of its medical team, including an obstetrician and an embryologist. The accusations are serious. One news source, Neos Kosmos, [described](#) the scheme as involving “brokers,” who sought out women in desperate financial situations in other countries, brought them to Greece, and then kept them under controlled conditions until

the process of egg donation or surrogacy was complete. As part of the scheme, the claims of wrongdoing [include](#):

- Human trafficking. (It can't get much worse than that.) The allegation is that the clinic abused highly vulnerable populations — including more than 160 impoverished women from Ukraine, Romania, Moldova, Georgia, and Albania — in order for them to become egg donors and surrogates.
- Orchestrating illegal adoptions.
- Offering counterfeit IVF treatments. (I couldn't find many details on what this means, but if it means patients were not receiving legitimate medical treatment — no matter what the details are — it doesn't sound good.)
- Purchasing and selling embryos. This is a practice that is considered impermissible, even in the free market-loving United States, [except](#) according to this one Virginia judge who applies case law from 1849 regarding slavery to embryos.
- Falsification of medical data.
- Forgery, fraud, and bodily harm.

That's a long and terrible list of bad practices in a profession that largely relies on trusting medical professionals to assist with the conception of children.

Australia Is Particularly Affected

Australia, which by some [reports](#) has at least 150 citizens caught up in the scandal in Greece, has been particularly affected. At least eight newborns connected to individuals in Australia were taken into Greek government custody, pending DNA tests. With prohibitive surrogacy laws in Australia, hopeful Australian parents have had little choice but to travel abroad and take their chances. An Australian surrogacy lawyer, and former surrogate herself, Sarah Jefford, is [calling](#) for the Australian government to take this moment to heart and to rethink its severe surrogacy laws that force its citizen into desperate situations. Jefford advocates for moderate regulations that protect surrogates, babies, and intended parents in surrogacy arrangements within Australia but which do not prohibit the practice.

But What Does This Mean For The United States?

The United States, for the most part, is a country that has advocated for and passed regulations to generally protect surrogacy arrangements, as well as all of the parties involved in them. Only a few states in America still take an anti-surrogacy stance (*cough* [Michigan](#) *cough*), while most state legislatures or courts acknowledge that IVF and surrogacy are important technological innovations that should be permitted with reasonable safeguards.

Now, the Greek scandal may mean that the United States will see an increase in foreign patients, who might be looking for more predictable (and legal) routes to becoming parents. On the other hand, the intensively expensive nature of surrogacy, especially in

the United States, may lead others who had sought out Greece and similar countries as more affordable alternatives, to be priced out of parenthood options altogether.

In good news, the United States has never experienced a reported incident involving this level of exploitation for egg donations or surrogacies. Some of the worst reports of the situation in Greece described the women being kept in “holes” — the name for the housing where they were placed under constant surveillance. The women were reportedly paid around 600 euros per month, a paltry sum compared to typical compensation amounts in the United States.

Yet, if it was just about the below-market payment, without the other appalling facts, the question of ethics would be less clear. It can be challenging to draw the line between a consensual arrangement and financial exploitation, particularly where the compensation might be comparatively high for an individual from developing economies. And indeed, many countries only permit altruistic surrogacy, where no payment may be legally made. In fact, the United States stands out as one of the few countries in the world that permits the financial compensation of surrogates and egg donors. Other countries equate *any* level of compensation to exploitation. Is that right though?

The Ethics Committee of the American Society for Reproductive Medicine (ASRM) has [considered](#) the issue of compensation and ethics for egg donation, and concluded that “financial compensation of women donating oocytes for infertility therapy or for research is justified on ethical grounds and should acknowledge the time, inconvenience, and discomfort associated with screening, ovarian stimulation, and oocyte retrieval.” The committee came to a similar [conclusion](#) as to surrogacy compensation: “Compensation for gestational carriers is ethically permissible. It is also consistent with compensation for other situations, such as participation in [medical research](#), in which individuals are paid for activities demanding time, stress, physical effort, and risk. “

So compensation in this area, per the American view, can be ethical. But for whom?

The U.S.-based ethics organization, the [Society for Ethics in Egg Donation and Surrogacy](#) (SEEDS), requires its members to adhere to standards. To avoid economic duress in the arrangement of a surrogacy contract, these standards include the fact that any matching program/agency must require that a surrogate candidate “be financially stable (i.e., living above the federal poverty level).” The guidelines to the standards further provide that: “It is strongly recommended that a financial review be completed to assess that [the surrogate] is not being financially coerced into the process. It is recommended that the Agency not accept surrogate candidates who rely on Government income assistance.”

And even if an egg donor or surrogate is not financially vulnerable, do high compensation numbers, such as those we frequently see in the U.S., actually create their own exploitative effects? It is not uncommon for a first-time egg donor to receive upward of \$10,000, and for surrogates, in some instances, to see base compensation numbers at \$60,000 or higher. Those attractive figures may, of course, lead some women to consider egg donation or surrogacy, when they might otherwise not consider such an

option. In that regard, does high compensation make financial coercion or exploitation more or less likely? Or is it the natural results of the free market, individual autonomy, and fair payment for hard work?

In short, I expect that the fertility and surrogacy professionals in the United States will continue to ask these questions, and take this moment to ensure that fertility treatment practices, including in vitro fertilization and surrogacy, are as safe and ethical as possible. And that we make every effort to avoid a Mediterranean Fertility Institute-like situations happening in the U.S., or anywhere else.



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