

A five-year experience with gestational surrogacy and the impact of legal changes

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Abstract

Introduction:

Since the introduction in 2007 of a law on artificial reproductive techniques (ART) treatments in Belgium, surrogacy treatment must fit in this legal framework. We want to present our five-year experience in this subject. In this article we restrict us to gestational surrogacy where the role of the surrogate mother is purely gestational and the child is genetically related to both of the intended parents.

The demands, procedure and outcomes of gestational surrogacy in the fertility clinic of the Ghent University were carefully examined during the period of January 2004 up to February 2009.

Material and Methods:

We received 26 demands for gestational surrogacy. The medical indications for these requests could be divided in two subgroups: 1) absence of the uterus: a) hysterectomy (n = 12), b) Mayer-Rokitansky-Kuster-Hauser syndrome (n = 9), 2) others (5): a) repeated miscarriage (n = 1), b) repeated failure of IVF (n = 2), c) maternal medical risk caused by pregnancy (n = 2). Requests could only be taken under consideration if the intended parents provided their surrogate mother. No surrogacy on commercial base was accepted.

In 19 out of the 26 demands the candidate surrogate mother was a close family member (n = 7 mothers of the intended mother, n = 6 sisters, n = 1 mother in law, n = 5 sister in law), in 4 requests the candidate surrogate mother was a close friend, in three cases there was no close relationship. The average age of the intended mothers was 30.5 (20-40). The average age of the surrogate mothers was 39.3 (25-56).

Procedure:

During a first contact both intended and surrogate mother underwent a profound gynaecological and general medical examination. Next both intended parents and the surrogate mother (and her partner) were counselled by a psychologist. All demands were presented at the fertility staff meeting. If accepted, all parties involved were seen by a psychiatrist (as an independent adviser), who then presented the cases for the ethical committee of our hospital. It is the ethical committee who gives the final advise concerning acceptance for treatment.

Results:

Out of the 26 demands, 16 were presented to the ethical committee. Six of these requests received a positive advice to start a treatment. Three of them had a successful treatment that ended in the delivery of a healthy single child. Two couples got healthy twins. Due to unforeseen medical problems of the surrogate mother, one couple could not proceed with a treatment.

All accepted cases had a surrogate mother who was close family to the intended parents. The major medical indication for treatment was the Mayer-Rokitansky-Kuster-Hauser syndrome (5 out of 6). In one case surrogacy was the only solution after a hysterectomy following a severe labour complication in which the foetus deceased.

In 4 out of these 5 cases the adoption procedure was finished successfully. One case is still ongoing.

Compared to a previous evaluation (2007) in which we reported a three year experience of 21 surrogacy requests we can evaluate the impact of the 2007 ART legislation on surrogacy treatment. Where the surrogate mother was before 2007 in most of our cases the mother of one of the intended parents, these requests, due to the introduced age limitations of treatment of the surrogate mother (47 years of age), are now rejected and intended parents have to search for younger candidates.

Conclusions:

The introduction in Belgium of an ART legislation in 2007, regulating age limits of treatment, has an impact on the surrogacy requests in our hospital. Where before the surrogate mother was in most of our requests the mother of one of the intended parents, now younger surrogate mothers have to be found. It seems to be more difficult for the intended parents to find a suitable and reliable surrogate mother.

We think there is still a need for a specific legislation on surrogacy to make the process less complex and give involved parties more assurance during the process.