

Daily Brew

Canada News

Demand for Canadian surrogates surging, industry insiders say



By [Dene Moore](#) / [Daily Brew](#) – Tue, 8 Sep, 2015

Brianna, a 27-year-old from Cobourg, Ont., wants to help a gay couple experience the joy that she has every day waking up to her boys.

Cathy, a 46-year-old from Dieppe, N.B., would like to help parents have a child they are obviously willing to go above and beyond to have.

Both have listed themselves as potential surrogate mothers on a website that attempts to pair those looking for fertility help with those offering.

“I am a great mom and I would love to give the gift that I have every day to someone less fortunate,” writes Brianna on [surrogatefinder.com](#).

They are among a growing number of Canadian women who are willing to offer their wombs to those who cannot conceive or carry their own children but who wish a genetic link.

“There are more women joining... but there still isn’t enough to meet the need,” says Sally Rhoads-Heinrich, owner of [Surrogacy in Canada Online](#), a website dedicated to connecting would-be surrogates to parents seeking their help.

She has seen her client load at least double from a few years ago but there’s a big gap between the level of interest in a Canadian surrogate and the number of people who actually proceed, she says.

For that she blames Canada’s laws on assisted reproduction.

For example, under the current law Rhoads-Heinrich cannot match surrogates and intended parents. Rather, she provides a venue where they can connect and possibly make a match on their own.

“It’s very similar to online dating,” she tells Yahoo Canada News.

Despite the hurdles, Rhoads-Heinrich estimates at least 300 surrogate births a year now take place in Canada. But estimate is the best she can do.

Under the current legislation, the industry is not regulated and “nobody’s keeping track,” she says.

Sara Cohen, a fertility lawyer at Fertility Law Canada, has also noticed an increase in both the number of women offering to be surrogates and the number of people seeking help and it’s not just in Canada.

“It’s not surrogacy in Canada that’s exploding; it’s surrogacy everywhere that’s exploding,” Cohen tells Yahoo Canada News.

Demand is increasing as the comfort level with reproductive options increases, she says.

“It’s not some far-out-there concept or something strange or something to be embarrassed about,” Cohen says.

But Canadian fertility laws have not kept up, says Cohen, who teaches reproductive law as an adjunct professor at Osgoode Hall law school in Toronto.

“Canadian fertility laws need a complete reset,” Cohen says. “Adding teeth to a law that I think is already quite poor is not the way to go.”

The Assisted Human Reproduction Act of 2004 makes it illegal to offer to pay a surrogate or to pay for donated eggs, sperm or embryos. It is also illegal to be paid to arrange a surrogacy.

When the law was written, it was feared that reproductive technology would create a rent-a-womb industry that takes advantage of women in poverty.

That has just not been the case in Canada, she says.

“Surrogacy in Canada is not surrogacy in Nepal and it’s not surrogacy in India,” Cohen says.

“The women who are choosing to be surrogates are educated and they’re doing this out of the goodness of their hearts and it’s not because they have absolutely no opportunity to do anything else in this world.”

In the absence of a properly regulated industry, many people are making the arrangements on their own, on websites.

“It’s not nearly as illicit as people seem to think it is. This is not an underground, hush-hush thing for a lot of people anymore,” Cohen says.

She doesn’t track numbers but has clients in the “high hundreds” from as far afield as Switzerland, Germany, Austria, Spain, France, Israel, New Zealand, Poland the United Kingdom and China.

In many of those countries, surrogacy and egg donation are not legal. In some, they are not legal for gay couples.

The Canadian Standards Association (CSA), an independent organization, is currently [accepting public comment on proposed changes to standards for assisted reproduction](#). The public comment period ends Sept. 15.

A spokesperson for the CSA says the group has no authority to create legislation or enforce compliance. The draft standards set out more specifically the expense payments that can be paid to surrogates and donors.

“This standard is part of a series that cover tissue and organ donations, including assisted reproduction,” Allison Hawkins, manager of corporate affairs, says in an email to Yahoo Canada News.

Rhoads-Heinrich says nobody knows why the non-governmental CSA is involved but she fears the process is about to become more difficult, not less.

Right now, surrogate mothers can be reimbursed for costs up to \$26,000 over 10 months if they provide receipts. Ideally, surrogates could be paid a reasonable allotment — the same even — without requiring receipts.

She hopes Canada will move toward regulating a commercial industry where agencies like hers can match suitable surrogates and families and ensure pre-birth contracts that protect all involved.

Though some developing countries have put restrictions in place following some high-profile surrogacy failures, others have opened up, she says. People are now heading to Mexico and the Congo.

Canada has many advantages, including a high level of health care and a high standard of life.

“You’re not really worried that a woman could disappear. You worry about that in third-world countries,” says Rhoads-Heinrich, who was a surrogate herself before the 2004 law came into effect.