

Panel wants surrogate births legally banned but also urges clinical studies

Kyodo News

An academic panel studying the pros and cons of surrogate births agreed Wednesday to recommend basically banning them by law and punishing all those involved except surrogate mothers.

The panel, assembled at the government's request, is to make the recommendation in its final report, which is due by March, its members said.

But the panel agreed to limit cases in which doctors, agents and their clients could be punished to surrogate births conducted for profit.

They also said that since the lack of scientific data on the issue makes it difficult to judge, room should be left to conduct clinical studies of the practice on a trial basis under strict state scrutiny.

The working group of the Science Council of Japan, chaired by University of Tokyo professor emeritus Shigehiko Kamoshita, compiled the recommendations in a draft report at a meeting Wednesday for release to the public Thursday at an open lecture in Tokyo.

After it submits the final report, the government and the Liberal Democratic Party-New Komeito ruling coalition will take steps to enact a law on surrogate births.

However, further twists and turns are expected before then because of the diverging views among both lawmakers and the general public.

In the draft report, the panel concluded that surrogate births should be banned by law in light of

the physical and mental burdens that would be borne by the women who serve as surrogate mothers and the psychological implications for the children born.

But the panel also said punishment should be meted out only on practices involving payments because surrogate birth itself is not a crime, in the strict sense. In these cases, doctors, agents and their clients — including those based outside Japan — should be punished, the panel said, excepting the surrogate mothers themselves.

The draft report also calls for maintaining the conventional rule of regarding the woman who gave birth as the mother of the newborn, even if the baby was born by host surrogacy in violation of the envisaged law. The child's right to get support will be protected by adoption to the pair who initiated the surrogate birth, the draft said.

The group plans to finalize the draft after fielding public opinions at Thursday's lecture.

The panel has been deliberating the issue since it was requested to by the Justice Ministry and the Health, Labor and Welfare Ministry in November 2006.

Although the Japan Society of Obstetrics and Gynecology prohibits its members from assisting in surrogate births, there is no legal ban on the practice. A maternity doctor in Nagano Prefecture who has defied the society's ban since 2001 has helped several couples have children through surrogate mothers.

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