

Report from the conference **Surrogate motherhood: fundamental and legal problems**

Warsaw, 27–28 September 2018



S. Wyspiański, Macierzyństwo [Motherhood], National Museum in Cracow

1. A multidisciplinary international conference titled *Surrogate motherhood: fundamental and legal problems* took place on 27–28 September 2018 at the Institute of Justice in Warsaw and gathered around 80 participants, mainly practicing lawyers and academics. The conference, with English as the working language, attended by some 30 experts from 12 countries, was organised as part of the project *Surrogate motherhood procedures worldwide and the universal prohibition of child trafficking: a multidisciplinary approach*, conducted in 2018 under the auspices of the Center for Family Research (*Centrum Badań nad Rodziną*) of the Nicolaus Copernicus University in Toruń, Poland, under the supervision of Prof. Piotr Mostowik from the Jagiellonian University in Cracow, Poland.

The aim of this study and the conference was to assess the current issue of surrogate motherhood (birth) using a multidisciplinary approach, including its

cross-border implications and protection of internal fundamental legal principles. Surrogacy contracts are allowed in a number of countries, including countries with substantial transfers of people into and from Poland (Ukraine, Russia, United Kingdom, some US states). Still, surrogate motherhood is prohibited in most countries. However, there is a need to address the issue of the recognition of the effects of foreign procedures. For example, applications aiming to recognise the foreign decisions and to register civil status were submitted also to the Polish authorities. Recently, the issue has been debated repeatedly before the European Court of Human Rights (e.g. the case *Paradiso and Campanelli v Italy*). The issue of the surrogate motherhood is currently vividly debated in the academic circles; one can point to the recent examples of the conference *Le «droit à l'enfant» et la filiation en France et dans le monde* organized on 18 May 2018 in Paris by *Le centre de recherches juridiques sur l'efficacité des systèmes continentaux* (CEJESCO) at the University of Reims Champagne-Ardenne in collaboration with the High Council of Notaries (Conseil Supérieur du Notariat) and the conference *Law and Practice of Surrogacy* organized by the Academy of European Law (ERA) that took place in Cambridge (UK) on 25–26 June 2018. The September conference in Warsaw was part of a project with a broader agenda. The research consisted in comparative analysis of the issue of surrogacy and discussion of this issue in a multidisciplinary approach, i.e. from the perspective of the Polish constitutional, criminal, civil, and family law as well as civil registration. The philosophical, sociological and ethical aspects are also very important.

The conference and project involved both Polish and international academics from multiple countries (the Czech Republic, Estonia, France, Germany, Italy, Israel, Lithuania, Poland, Russia, Slovakia, Spain, Ukraine). They represented various disciplines: predominantly legal sciences, but also philosophy and sociology. Some were practicing lawyers. The results of the conducted research were presented by the experts during the September conference at the Institute of Justice. The two-day conference was organised around panels discussing selected issues.

The conference was officially opened by Marcin Romanowski, PhD, Director of the Institute of Justice, and Jarosław Przeperski, PhD, head of the Center for Family Research of the Nicolaus Copernicus University in Toruń. The introduction into the subject matter of the conference was delivered by Prof. Mostowik, the project coordinator. He noted that the conference venue was not accidental. Warsaw is the city where Janusz Korczak famously presented the idea of 'child's right to respect' and where the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 was signed. Poland is the country of origin of Saint John Paul the Second, the patron of families, and the state that initiated work on the UN Convention on the Rights of the Child of 1989 that became a great international success with nearly 200 contracting parties. He added that the presence of participants of course did not mean that each of the experts accepted the idea of surrogate motherhood or all forms of this phenomenon, adding that all voices: enthusiastic, sceptical or critical were welcome, as in any serious academic debate.

2. In the substantive presentation *Fundamental legal issues concerning so-called surrogate motherhood* Prof. Mostowik underlined the polarisation of views on

surrogacy in selected countries: from total prohibition of such practices (including the instances where the prohibition is connected with the old legal principle of maternity of the woman who gave birth to the child, that is commented by the phrase *mater semper certa est*), to its acceptance subject to restrictive conditions and, finally, to a liberal approach. This in turn results in difficulties to work out the common approach (see recent attempts at international: United Nations, Council of Europe, Hague Conference of Private International Law, or federal level). Prof. Mostowik identified several principles of family law with which the practice of surrogacy must be confronted: the fundamental principles of legal parentage, adoption, parental responsibility, and right to access.

Referring to the previous discussion and literature, he questioned the accuracy of terminology in view of the evolution of surrogate motherhood in recent years. Currently the term 'surrogate motherhood' is used to describe various and non-comparable situations. The group of persons to whom the child can be handed over has been broadened: different legal regimes allow the child to be received not only by a couple comprised of man and woman, but, in some legal systems also to a constellation of persons in which the surrogacy *naturam non imitatur*, i.e. homosexual couples and single individuals. The he proposed the use of the following terminology, based on the genetic origin of the child contracted from the surrogate mother:

- strict surrogacy (a couple comprised of woman and man contractually acquire the legal status of mother and father of a child of their genetic origin, regardless the fact that another woman was pregnant and gave birth);
- surrogacy *sensu largo* (a couple comprised of woman and man contractually acquire the legal status of mother and father of a child of genetic origin of one of them, regardless the fact that another woman was pregnant and gave birth);
- pseudo-surrogacy (another constellation of persons contractually acquires the legal status of parents No. 1 and No. 2, although in the nature generally such constellation could not be genetic or biological parents of the child, e.g. a same-sex couple or a single person), and
- ancient surrogacy (the child is genetically related to surrogate who provided her own egg; sometimes called 'traditional' surrogacy).

At the end of his remarks, Prof. Mostowik formulated several questions for further discussion during the conference, including:

Are we all aware of the future general effects of current individual cases before domestic and international tribunals? Should the best interest be evaluated only in relation to the given child (*hic et nunc*) or rather in general in relation to children and women in the future?

Does it make sense to prohibit surrogacy internally (regionally) but accept the effects of transactions concluded abroad (results of so-called procreation tourism)?

Is possible and necessary to develop international global cooperation acceptable for all countries or rather a few cooperation schemes of different character (promoting or combating surrogacy) within groups of states?

3. The first panel *Overview of legal systems: domestic fundamental principles – grounds of (non)acceptance in substantive law and (non)recognition of foreign civil status registration* was chaired by Prof. Carlos Martínez de Aguirre from the University of Zaragoza in Spain and by Marta Soniewicka, PhD, from the Jagiellonian University in Cracow. It was devoted to the solutions implemented in selected countries: France, Ukraine, Italy, Russia, Slovakia, and the UK. Besides the current *status quo*, the experts presented the positions expressed in legal literature and case law, including cases of cross-border surrogacy, and the political attitude that indicates whether the changes are feasible or rather the existing state of affairs should be preserved.

Professor Nathalie Baillon-Wirtz (University of Reims Champagne-Ardenne, France) discussed in her lecture and accompanying presentation *Ethical and legal issues of surrogacy in the French law*. According to the French law, a surrogacy agreement is null and void. The French legal system, however, faces the issue of cross-border surrogacy. The case law of the Cour de Cassation has evolved significantly over the last years and as of today for the purpose of transcription of a civil status record France recognises the biological relationship between the father and the child born by a surrogate. The second spouse can adopt the received child.

Thereafter, Prof. Alla A. Herts (University of Lviv, Ukraine) presented *Ukrainian law and jurisprudence regarding surrogate motherhood*. The Ukrainian law allows for surrogacy, including the foreign commissioning couples.

The presentation of Prof. Andrea Nicolussi (Catholic University of Milan, Italy) was devoted to *Surrogate motherhood in Italy: legislation, jurisprudence and doctrine*. Italy is one of the countries in which the legal system explicitly [prohibits surrogacy]. The Italian courts are nonetheless faced with *fait accompli*, when it is necessary to decide on the descent of a child born by a surrogate abroad. The courts have to take into account the best interest of the child, which may be an argument in favour of recognition of foreign civil status registration.

Prof. Andriy Novikov (St. Petersburg University, Russia) in his lecture on *Surrogate motherhood in Russia and CIS countries: Legislation, jurisprudence and political discussion* focused on the Russian approach and indicated similarities in the solutions adopted in the CIS countries. The lecturer drew attention to the similar permissive approach to surrogate motherhood in those countries. He indicated further the liberal approach to verifying certain conditions prescribed by law, including the group of the commissioning persons or the verification of medical reasons for surrogacy.

Elena Judova, PhD, and Martin Píry, PhD (University of Banská Bystrica, Slovakia) presented *Surrogate motherhood from perspective of Slovakian legal principles*. Surrogacy is not regulated in Slovakia; on this basis, the Slovakian legal literature does not exclude such practice. Surrogacy is, however, not practiced openly. On the whole, the general public and political parties show negative approach to such practices.

The last presentation in this panel, by Natalia Karczewska-Kamińska, PhD, (Nicolaus Copernicus University in Toruń), was devoted to the evolution of legislation and case law concerning surrogate motherhood in United Kingdom. In that country this issue has been the subject of vivid public debate since the 1980s and

the publication of the Warnock Report. The UK belongs to the countries that allow surrogacy. It was regulated in the Surrogacy Arrangements Act and in the Human Fertilisation and Embryology Acts that determine its conditions. Additionally, the UK faces the problem of cross-border surrogacy when a person who has a British domicile requests recognition of the consequences of procedures performed abroad.

4. The next panel, entitled *Foundations of filiation (child's origin, maternity and paternity), parents-child relationship, and human dignity in constitutional and international law* was chaired by Prof. Baillon-Wirtz and Prof. Ondřej Frinta (Charles University in Prague, the Czech Republic).

Professor Martínez de Aguirre in his lecture on *International surrogacy arrangements: A global Handmaid's Tale?* indicated the growth in international surrogacy. The cases involving collisions of such cases with the legal orders of the countries that oppose surrogacy are regularly litigated before the European Court of Human Rights. The ECtHR itself is divided as regards the assessment of surrogacy, as can be interpreted from the case *Paradiso and Campanelli v Italy*. Steps aimed at unification of the approach are being taken under the auspices of international organisations, such as the Hague Conference of Private International Law, the Council of Europe or the European Union. However, a global agreement is difficult to reach, because of the differences of opinion. Prof. Martínez de Aguirre pointed out that there is a trend in the cross-border surrogacy cases to concentrate on the individual interests of the particular child. While striving to prevent trafficking in children, the interest of children in general should be taken into account. He referred to the suggestion of the UN Special Rapporteur Report that states should analyse carefully the cases of commercial surrogacies carried out abroad in order to avoid the sale of children.

Witold Borysiak, PhD (University of Warsaw) delivered a detailed lecture on *Motherhood under domestic constitutional principles on the example of Polish 1997 Constitution*. He presented those provisions of the Polish Constitution, in particular Art. 18, that concern marriage and the protection of motherhood and indicated that such protection was available to the woman who gave birth to the child.

Agnieszka Czubik, PhD (Jagiellonian University in Cracow), in her address called *Protection of women rights and health in international law versus 'surrogacy business'*, pointed out that the protection of women's rights, including health and dignity, should be a factor determining the considerations regarding the admissibility and regulation of surrogate contracts. The existing legal provisions in the field of human rights at international level regulate issues related to the protection of women's rights in the context of their use in the surrogacy procedure only in a rudimentary and very general manner. However, because of divergent views on the admissibility of surrogacy, the broad adoption of detailed international regulations in this area is not realistic. At present, one should expect attempts at interpreting general norms, including Art. 8 ECHR.

Agata Niznik-Mucha, PhD, and Aleksandra Dębowska from the Jagiellonian University in Cracow elaborated further on the constitutional framework in the lecture on *Maternity and paternity in cases before the Constitutional Tribunal: judgments and obiter dicta*. They took into account the perspective of reproductive rights.

5. In the next panel focused on *Surrogate motherhood as a subject matter of recent activities at international or federal level* chaired by Prof. Nicolussi and Agnieszka Czubik, PhD, Prof. Monika Wałachowska (Nicolaus Copernicus University in Toruń) continued the overview of the approach adopted in the legal systems of various countries in her presentation on *Surrogate motherhood under different laws on the example of the USA: comparison and evaluation*. The individual state laws represent diverging approaches, from prohibiting surrogacy to very liberal approaches, including the permissibility of commercial surrogacy. Prof. Wałachowska underlined that in the US surrogacy is presented as an altruistic act of a woman who sacrifices herself for other people.

The following presentations focused on the initiatives undertaken at international level. Łukasz Mirocha, PhD (legal practitioner), presented the issue of *Surrogate motherhood in activities within the Council of Europe system*. Beginning from 1980s, the Council of Europe adopted several reports addressing the issue of surrogacy, mainly critical in character. Łukasz Mirocha described various positions of the member states and underlined the change between the first report from 1989 and the last one from 2016, that resulted in abandoning the prohibition of surrogacy in favour of its restrictive regulation, which would allow such procedures.

A detailed address on *Activities of global international organisations (United Nations, Hague Conference of PIL) concerning surrogate motherhood* was presented by Agnieszka Wedeł-Domaradzka, PhD (Kazimierz Wielki University in Bydgoszcz, Poland). She indicated a few areas where issues arise that are of particular concern in the work conducted on international fora: the rights and best interests of the child, the rights and interests of the surrogate, the rights of the intended parent/s, and the issues of cross-border surrogacy. The complexity of the problem and the diverging approaches, however, stall the progress on surrogacy regulation.

Finally, Marcin Sokołowski, PhD (Adam Mickiewicz University of Poznań, Poland) gave a presentation entitled *Surrogate motherhood in legal and political activities of European Union's institutions*. He pointed out that this subject appeared in political debates. Essentially, the European Union has no legislative powers that would allow it to adopt instruments applicable in all Member States (e.g. common surrogacy standards). The regulation on the scope of personal and family law and its consequences in the field of family law and civil status belongs to the Member States' exclusive competence.

6. The first day of the conference ended with a discussion concerning, in particular, the future general effect of the first rulings of domestic courts and the ECHR, as well as various 'legal degrees' of relations between parents and children established through contract with the surrogate. Prof. Michał Wojewoda (University of Lodz, Poland) presented his detailed opinion and indicated that the best interest of the child in a particular case, in particular if a family has been together for a longer period of time, may speak for recognising the parental bond. Prof. Mostowik argued that it is also worth pointing out that 'turning a blind eye' in individual cases on violations of the basic principles of domestic law (e.g. ban of child trafficking or the non-transferableness by contract of personal status of parent and child), as sometimes postulated, may in the long run cause an avalanche. Paradoxically, giving

priority to the principle of the interest of a particular child (e.g. as an argument for the exceptional recognition of the effects of foreign law, which is significantly contrary to domestic fundamental legal principles) may mean that in the future the interests of a whole group of children and women will be threatened and violated. On the other side, the well-being and best interest of the particular child should be taken into account, in particular when it was staying abroad for a long period under the actual care of certain persons. A separate issue was, in the opinion of Prof. Mostowik, what legal institutions of private and family law could serve this purpose (e.g. the possibility of adoption if the domestic conditions have been fulfilled, legal guardianship, right of access to child).

7. The second day of the conference (28 September 2018) began with a multimedia presentation *Reality. What's actually going on?* prepared by students of the Jagiellonian University and the University of Warsaw. In the introduction to the panel, its chairperson, Olga Bobrzyńska, underlined the purpose of the presentation, which was to describe the diverging views on surrogacy in the individual countries and by various actors involved in such practices (including surrogacy agencies and surrogates). Afterwards, students: Marta Śledź, Karolina Sęk, Piotr Wójcik, Adrianna Biernacka, and Katarzyna Różaniecka presented the outcome of a review of press and electronic media in the UK, the USA, France, Spain, Germany, Russia, Ukraine, and India. The presentation included videos, some of which portrayed surrogacy as an idyllic experience in which the surrogate and the commissioning couple await the birth of the baby, and thereafter the surrogate remains present in the life of family, and statements of the surrogates who during the pregnancy and after the delivery of the child experienced negative emotions. The surrogacy agencies create a 'problem-free' image of surrogacy and on their websites they offer 'packages', the purchase of which should guarantee fast delivery of a healthy child with the desired genetic features.

8. The next panel was devoted to two topics: *Fundamental questions: perspectives of philosophy, sociology, anthropology and theory of law* and penal considerations concerning *Illegal 'surrogacy business' and combating child trafficking* (e.g. ban on 'payment or compensation of any kind' under the 1993 Hague Adoption Convention) and was chaired by Prof. Novikov and Prof. Piotr Stec (University of Opole, Poland).

Marta Soniewicka, PhD, presented reflections about *Ethical and philosophical issues arising from surrogate motherhood*. She indicated different approaches to surrogacy in various philosophical doctrines and pointed out the moral and legal dilemmas concerning surrogacy. The new techniques of medically assisted procreation, including surrogacy, are supposed to resolve the problems of infertility faced by the aging western societies. This problem is however addressed at the expense of other important values related to procreation, such as stability and unambiguity of parental relations, responsibility for and care of a human being, and the perception of children as a gift. The new techniques of reproduction call for intensified debate.

The sociological approach to the issue of surrogacy was presented by Błażej Kmiecik, PhD (Medical University in Lodz, Poland) and Mirosław Boruta, PhD

(Pedagogical University in Cracow). Błażej Kmiecik, in his presentation on *The phenomena called surrogate motherhood in the sociological approach: current (casuistic) and future (general) perspectives*, pointed out serious doubts of psycho-pedagogical and legal nature related to the identity issues of a child born from the cells of the donors. He noted that some countries, such as Germany and the UK, revised their laws on the donation of cells in order to allow the child to know his/her biological parents. The practice of surrogacy makes the issue of motherhood more complex and turns a child into the object of a contract, which infringes the standards of respect for human life. Moreover, Błażej Kmiecik referred to the different positions of surrogates in the western countries and in Asia, e.g. in India, where their position vis-à-vis the other participants of the process is much weaker. Mirosław Boruta, in his lecture on *Surrogate motherhood from the perspective of sociology and anthropology of culture*, presented the beginnings of human life in the biological and cultural perspectives as well as the perception of surrogacy in literature and mass culture. He stressed that splitting parenting into genetic, biological, and sociological parenting gave rise to ethical and social controversies and dilemmas. He also pointed out that the definition of a family might change, because it would cease to be a social group built around a couple (a woman and a man) who had conceived a child.

9. The various criminal law aspects were presented by two criminal law scholars from the Jagiellonian University in Cracow: Wojciech Górowski, PhD, and Dominik Zajac, PhD. The presentation of Wojciech Górowski concerned *Surrogate motherhood in Polish criminal law (de lege lata)*. Among other things, he pointed out the criminal liability for embryo formation outside a medically assisted procreation procedure and analysed the possibility of criminal liability for surrogacy in the light of Art. 211a of the Polish Criminal Code, which penalises the act of organising illegal adoption, to conclude that the acts of the commissioning persons did not amount to such acts.

Dominik Zajac presented *International criminal law aspects of surrogate motherhood*. He indicated that international criminal law treated the issue of surrogacy in a fragmented way and – although to a limited extent – obliged states to penalise behaviours related to surrogacy. Such obligations refer to child trafficking, albeit specifically understood. The penalisation is left to the national law. Lack of uniformity of solutions may result in lack of liability due to the requirement of double criminality.

In her presentation on *International police cooperation against child trafficking and illegal adoption*, Agnieszka Laber, PhD (legal practitioner) presented the measures available to law enforcement agencies in various countries in cases of cross-border child trafficking and illegal abortion, commenting about the possibility of applying those mechanisms to specific acts related to surrogacy practices that could amount to the crime of trafficking in children. But the surrogate mother may be a victim of human trafficking, too, when she is forced to accept this role. Agnieszka Laber pointed out that efficient combating and prevention of these crimes required cooperation of a broad group of actors: the police and other authorities, as well as non-governmental organisations.

Konrad Burdziak, PhD (University in Szczecin, Poland) presented his *Remarks on the Polish criminal law and postulates de lege ferenda*, prepared in cooperation with Prof. Łukasz Pohl (University in Szczecin). He analysed the issue of completion of the prongs (elements) of the crime of human trafficking (Art. 189a of the Polish Criminal Code), in particular when the child is handed over to other persons in exchange for pecuniary consideration, and indicated that in order to impose criminal liability it would be necessary to establish an unlawful intent of the ‘perpetrators’ (surrogate mother/intended parents), such as abuse of the child or obtaining cells, tissues or organs.

10. The next panel, called *Principles of substantive private law (maternity and paternity, civil status registration, adoption, freedom of contract, unjustified enrichment) versus surrogacy motherhood* was chaired by Prof. Wojewoda and Piotr Rodziewicz, PhD (University of Wrocław, Poland).

Professor Stec presented some remarks about surrogacy in the context of changes taking place in the society and the development of technology.

Thereafter, two country reports were presented, providing the perspective of basic legal provisions and assumptions of family law. Paweł Sikora, PhD (University of Zielona Góra, Poland) gave an outline titled *Surrogate motherhood and the principles of German family law*. The German legal system is one where the practice of surrogacy is not accepted. It includes a clear rule that the child’s mother is the woman who gave birth to him/her (§ 1591 of the German Civil Code). Furthermore, it is expressly prohibited to act as an intermediary (agent) in the conclusion of substitute motherhood (birth) contracts. However, some rulings of German courts recognised foreign judgments accepting the legal origin of a child from the commissioning persons, instead of the women who gave birth to the children.

Professor Frinta and Dita Frintová, PhD (Charles University in Prague, Czech Republic) familiarised the participants with *Surrogate motherhood from the perspective of Czech private law: legislation, jurisprudence and doctrine*. In the Czech Republic, despite lack of regulation and the principle that the mother is the woman who gave birth to the child, surrogacy is openly practiced (the biological father can acknowledge the child, and the woman who delivered the genetic material can adopt the child). As regards cross-border surrogacy, the Czech courts expressly stated that surrogacy is not *per se* manifestly inconsistent with the Czech public order, which could be seen as surprising.

Afterwards, Rafał Łukasiewicz, PhD (University of Rzeszów, Poland) presented an address prepared together with Prof. Janusz Gajda (The Jan Kochanowski University in Kielce, Poland), titled *Principles of the adoption system versus surrogate motherhood*. In their presentation the authors discussed the issue of applying the rules on adoption to establish the relationship bond between the commissioning persons and the child born by a surrogate.

The panel ended with a presentation by Prof. Radosław Flejszar (Jagiellonian University in Cracow) on *Selected issues of civil proceedings concerning personal and financial aspects of surrogate motherhood*. Professor Flejszar underlined the complexity of the issues arising in connection with surrogacy, which are aggravated by the problems posed by cross-border surrogacy and resulting from the different

national approaches. Besides the recognition of the civil status established abroad, the list of issues includes claims for undue performance or claims arising from a valid surrogacy arrangement (such as the claim to have the child handed over and to take the child).

11. Professor Flejszar together with Marcin Sokołowski, PhD, chaired the last panel of the conference devoted to *Surrogate motherhood as the subject matter of private international law*.

In the first address, Prof. Wojewoda presented detailed aspects of registration of the civil status in cases of cross-border surrogacy (*The birth records of children born in surrogacy proceedings and their value outside the country of issuance*). He indicated that under the laws applicable in Poland, the civil status of a child born by a surrogate mother, whose birth certificate indicates the paternity of the socio-logical parents, would in principle be assessed in accordance with the principle of public order. The conflict of surrogacy with the Polish legal order supports, *prima facie*, rejection of entering a 'surrogate birth certificate' into the Polish civil law records. However, the best interest of the child who for a longer period of time has lived in a given family and is genetically related with the intended parents may be an argument in favour of recognising foreign documents on a case by case basis.

Then Natalja Žitkevitiš, PhD (legal practitioner) together with Katažyna Mikša, PhD (Mykolas Romeris University, Vilnius, Lithuania) described *Surrogate motherhood in the Baltic states*. In those countries, the law prescribes the *mater semper certa est* rule and surrogate birth is not allowed. In Lithuania, the prohibition of the surrogate birth has been expressed in the law regulating assisted procreation since 2016. In Estonia such a prohibition is derived from the provisions of criminal law. The law in Latvia does not contain any rules on surrogacy, however requests to allow it were rejected in the course of the legislative debate.

A complex presentation on *International surrogacy: choice-of-law and procedural issues of judicial cooperation in civil matters* was delivered by Piotr Rodziewicz. He indicated that from the perspective of private international law the act of surrogacy implies the position of the persons, for whom the applicable law should be determined separately, which may create problems at the intersection of various statutes. Piotr Rodziewicz pointed out that the principal rule of the Polish legal system is natural parenthood. This means that if applying foreign law resulted in a violation of this principle, it would be necessary to invoke the principle of public order in a given case.

12. The concluding working remarks, entitled *De lege ferenda: what kind of domestic or international legal and political measures should be taken?*, were delivered by Prof. Mostowik.

In his opinion, the question to ask is whether it is possible to cooperate internationally in order to regulate the so-called surrogate motherhood business? It seems impossible to create any global substantive law standards (e.g. for cases to be heard by an international tribunal). First of all, it is not feasible to adopt uniform common rules of substantive family law in the area in point or uniform rules for the recognition of foreign procedures, including the effects of registration of the civil

status abroad. National family law systems became so diverse in early 21st century that there is currently no common denominator that would be necessary to reach the kind of consensus that would enable adopting common supranational rules.

Another issue is the possibility of co-operation at international level among groups of countries. In such groups of countries with similar fundamental principles of family law it could be possible to declare ban on surrogacy and non-recognition of foreign law and registration, now and in future. Another group might agree on the opposite approach, i.e. recognition of legal parentage acquired under contracts with surrogates or partial recognition in cross-border situations, restricted to the so-called altruistic surrogacy *sensu stricto* (i.e. legal status of children who are genetically linked to a given couple comprised of man and woman).

Closing the conference, the organisers and students thanked all attendees for the high academic level of the conference, including the addresses and panel discussions. An opinion was also expressed that the knowledge gained thanks to participation in the conference and cooperation, also at international level, would certainly also yield fruits in the future. Next year, a book publication is planned. It will enable the readers to become familiar with detailed aspects of the thorough and multidisciplinary research – outlined above – on the contemporary phenomenon referred to as surrogate motherhood, which certainly creates a number of legal problems and may give rise to controversies.

Olga Bobrzyńska