

EDITORIAL

Surrogate birth forum needed

As assisted conception techniques continue to make it possible for couples with fertility problems to have children without relying on adoption, the Science Council of Japan, an independent body under the prime minister, announced its final report on surrogate births in early March.

More than 100 couples in Japan are thought to have had children through surrogacy in the United States and elsewhere. At least eight cases of surrogate births inside Japan have been reported. The spread of this procedure in the absence of a relevant law is undesirable. To prepare the basis for a bill to be considered by the Diet, the government should create a public forum to discuss the issues and problems related to surrogacy.

In its report, the council opposes surrogate births in general and calls for penalties against any couples, doctors and mediators who are involved in surrogacy for profit. But as a last resort for couples with fertility problems, it has allowed surrogacy to continue on a trial basis under strict supervision by a public organization. Data will be collected on surrogate mothers and their children.

The report also said that under the supervised system a surrogate mother should be legally regarded as the child's mother after it is born. It said couples who have had children through surrogate birth — supervised or otherwise — should establish a parent-child relationship through adoption. If couples wish to sever a child's legal ties to the surrogate mother, the latter's consent is needed.

Although the report prohibits surrogate births in principle, it cannot deter couples from relying on

surrogate mothers overseas. In public discussions on surrogate births, the question of who should be the legal mother of a child is a pivotal point. But there are other problems, including whether couples who request surrogate births can decide to terminate a fetus, or reject a child with birth defects. The government must lose no time in establishing a public forum on surrogate births.

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