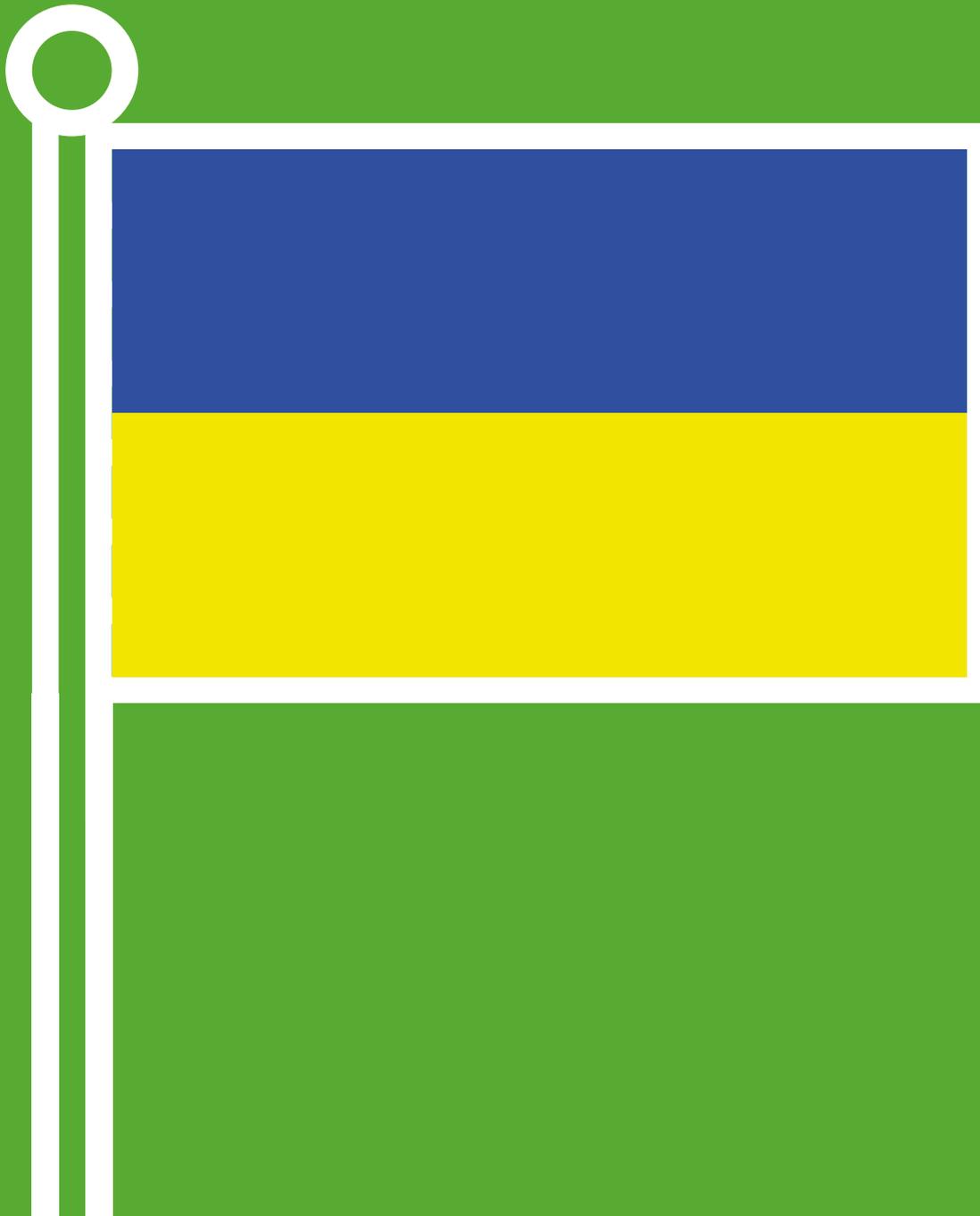


The Legal Aspects Of Surrogacy In Ukraine

Produced By Anastasia Herman Law Office





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Legal aspects of surrogacy in Ukraine

Nowadays, the infertility problems relate to a number of couples around the globe and some of them decide to choose surrogacy as the solution to the infertility problem and embark upon a journey to parenthood. Ukraine is one of the few countries in the world where surrogacy is not only permitted by law, but also effectively protected and regulated. In Ukraine, surrogacy was legalized in 2004, when the new Family Code of Ukraine came into force.

The family couples, both citizens of Ukraine and foreigners who are considered infertile can apply for the surrogacy services. The mandatory condition for such couples in Ukraine is to be a married heterosexual couple.

On 2018 several surrogacy law bills were registered in the parliament of Ukraine with an aim to change surrogacy regulations and as expected all of them has its' pros and contras. Foreigner Intended parents who considering surrogacy program in Ukraine should take possible future law changes into consideration. For instance, the draft law #8625 aims to limit the range of individuals eligible to participate in the surrogacy program restricting it to Ukrainian citizens or to citizens whose rights are equated to citizen of Ukraine. Good news that Ukrainian legal system provides procedure that can equalize the rights of foreigners with rights of Ukrainian citizens. This bill also involves limiting other rights of potential parents.

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In general, the Association of Reproductive Medicine and other experts of the IVF industry do not share this view and believe that the legislation on surrogacy in Ukraine should be changed, be more modernized, but not limiting essential rights of people for parenthood of both citizens of Ukraine and foreigners.

One of the most promising bills was proposed by the Ukrainian Association of Reproductive Medicine, which envisages the improvement of the legislation currently in force and regulates a number of issues. This draft law aims to resolve the scenario of legal actions in case of divorce of the Intended parents or in case of death of one of the spouses as well as to establish the essential conditions of the surrogacy contract, the legal status of the surrogate and the donor.

Current legislation, namely article 123 of the Family Code, states that a surrogate does not have parental rights over the child. Thus, a surrogate cannot refuse to transfer a child in case she suddenly changes her mind after the child is born. If the agreement contains sanctions for violation, a surrogate may also be brought to civil liability.

How to avoid risks?

First of all, it's worth to get consultation by your solicitor or lawyer in Ukraine prior to entering into the surrogacy contract.

Surrogacy commitments must be explained to you and status of current legislation should be specified and updated.

Second of all, if a surrogate is chosen at the clinic or agency, make sure she has all the medical certificates; her status reflects all legal requirements and she is eligible to participate in the program. The rights of a woman who is a surrogate should in no case be violated or limited, as their rights are guaranteed absolutely at the same level as the rights of the Intended parents.

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