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**NON-RECOGNITION FORMS OF TRAFFICKING IN HUMAN BEINGS:
SURROGATE MOTHERHOOD**

Trafficking in human beings has become one of the most important challenges of the 21-st century, a global international problem. It is the greatest violation of human rights and human dignity, as it ignores the basic rights of person and citizen. In particular: the right to life, liberty and security of person (unjustified detention or arrest); freedom from slavery (forced labor without pay or debt dependence); the right to freedom from torture, ill-treatment or inhuman treatment (physical and psychological violence, rape and torture); equality before the law (selective justice); freedom of movement and free choice of residence (this right is violated when a person is deprived of his / her passport and documents for entry and stay abroad or held in prison); the right to work, to form trade unions and to join trade unions; the right to an adequate standard of living (impossibility of normal food, water, air and accommodation, limited access to medical services); the right to rest (overtime without a day off); freedom of marriage (forced marriage). Countering these forms of human trafficking has been carried out for a long time and quite successfully, but this criminal phenomenon has a feature to adapt to new living conditions, change their forms and methods depending on the economic and social situation in each country. As a result, new trends in human trafficking are emerging over time. Methods and approaches of criminal groups, methods of recruitment, risk groups, etc. are changing. One of the newest forms of trade in «living goods» is the abuse of surrogacy.

Ukraine is one of the few countries in Europe where commercial surrogacy is permitted by law but not regulated. In Ukraine, the so-called gestational surrogacy - a woman only gives birth to a child and has no genetic relationship with him. Commercial surrogacy is allowed in Georgia, Kazakhstan, Cambodia, Russia, and some US states (California, Oregon, and Illinois). In many European countries, free surrogacy is allowed, which does not provide a monetary reward for the surrogate mother. According to the Ukrainian Medical Tourism Association, reproductive technologies are among the three most popular medical services (after ophthalmology and dentistry) that are in demand among foreign nationals in Ukraine. However, because of lack of Law on Surrogacy in Ukraine, there are many risks that provoke violations of the rights of both the mother who is carrying the child and the citizens who are expecting this child, and ultimately the child herself, who often becomes the purchase / sale object. Today, surrogacy is regulated by only one article of the Family Code of Ukraine [1], the Rules of state registration of civil status in Ukraine [2], as well as the order of the Ministry of Health «On approval

of the Procedure for assisted reproductive technologies in Ukraine» [3]. According to the last, married couples who are considered infertile can get reproductive medical care. These can be both citizens of Ukraine and foreigners, but a prerequisite is the existence of a formal marital relationship between a woman and a man. After childbirth, foreigners must obtain a Ukrainian birth certificate, consent from the surrogate mother and a certificate of genetic kinship from the clinic.

Registration of a child born as a result of a surrogacy program is carried out in accordance with the procedure for registration of civil status acts.

To issue a child's birth certificate, you need: the couple's passports, marriage registration certificate, relevant applications, written consent of the surrogate mother, who gives permission to register the couple by the child's parents, a certificate of genetic kinship of parents and future child from a medical institution.

The procedure for giving birth to a child from a surrogate mother is quite cumbersome and complicated. It contains two main blocks: legal and medical. The surrogate mother, after writing a statement of consent, signs a surrogacy agreement with potential parents. The contract must take into account many points - from the consent of the husband (if the woman is married) to restrictions on lifestyle, diet and intimacy during pregnancy. After settling legal issues, the period of preparation and medical examinations begins. Patronage of a surrogate pregnancy is more thorough than in the case of a normal one, because in this case the woman is carrying a genetically foreign child.

In the last stages of pregnancy, as a rule, the surrogate mother moves from her home to the genetic parents of the child (or to their rented apartment) and spends the last months there. Usually the child is passed to the parents immediately after birth.

In Ukraine, a surrogate mother cannot refuse to transfer a child to biological parents (such a possibility is provided, for example, in Russia).

There is a demand (childless couples), there is a supply (usually women in need of financial support) - intermediaries have started to appear, creating agencies of assisted reproductive technologies to provide surrogacy services. They search for surrogate mothers through social networks, on resources with vacancies or even on ads. Much of this market is in the shadows. Many intermediary agencies, competing with official medical institutions and among themselves, work illegally. Sometimes the procedure described above (from finding a potential surrogate mother to "legalizing" the child) is not followed, and the terms of the contract (including penalties) are not explained to the woman who is carrying the child. After all, in the field of surrogacy, «spin» huge funds. The cost of a standard package of services for citizens of Ukraine ranges from 45,000 to 50,000 USD, of which the surrogate mother pays 16,000-20,000 thousand USD, separately paid benefits for each month of pregnancy, clothing, vitamins and apartment rent. For foreign couples, tariffs are significantly higher and mostly not disclosed.

Payment of compensation to the surrogate mother begins after confirmation of pregnancy in a medical institution. Then gradually, undergoing ultrasound and tests, receiving confirmation of the development of a healthy pregnancy, the surrogate mother receives compensation in various parts. After sixteen weeks, about 2,000 euros are paid, then after the twenty-seventh week another 6,000 are transferred, then the surrogate mother moves to a paid apartment without her own children and is compensated for paying the nanny for this period. Given that the level of the average salary does not reach 10,000 hryvnias, a surrogate mother receives income for four years for one «service» of carrying. The difference between the amount paid by potential parents, payments to the surrogate mother and the money spent on the package of medical services is received by the intermediary agency. The increase in this difference is sometimes due to a reduction in the quality of maternity care and the application of penalties for surrogate mothers.

Thus, abuse in the field of surrogacy is a form of human trafficking. Combating this type of crime must lead to one goal – to provide all citizens with a high level of security, freedom and justice. At the international and national level, the problem of human trafficking is declared as an area of state responsibility. In the transition from declarative provisions to actual action, there is an urgent need in Ukraine to introduce regulations in the field of surrogacy with maximum respect for the rights of surrogate mothers, potential parents and children.

References:

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