**AnNEX 1**

**Laura: THE CONSEQUENCES OF AN INFORMAL AGREEMENT[[1]](#footnote-1)**

In January 2015, Laura decided to participate in a surrogacy agreement with Eduardo and his partner, who live in San Diego, California, through an agency that disappeared a short time after. She never signed a contract, nor received information regarding the medical procedure that she would receive. The baby was born in October 2015, with serious health complications, so it was decided to move him to a private hospital where he stayed for two weeks. The contracting parents affirmed that they could not take responsibility for a sick baby, that they did not want the burden and that they would only assume paternity when they were certain that the baby was out of danger. But the child required urgent surgery. Given Eduardo and his husband’s refusal to register the child and take responsibility for the surgery, Laura and her husband registered the baby as their son in order to secure access to healthcare from the Mexican Social Security Institute (IMSS), and they signed the authorization for the surgery. Eduardo and his partner did not take responsibility for anything and, finally, disappeared.

The surgery was successful, but the baby spent three months hospitalized. Laura and her husband faced the expenses of hospitalization and decided to integrate him into their family as another child. A couple of years later, Eduardo contacted Laura, expressing his intention to participate in the child’s life. In July 2017, Laura went to a meeting with Eduardo and his lawyer, where they pressured her to hand over the child, threatening to accuse her of kidnapping, robbery and selling children if she did not do so. They assured her that they only wanted to perform a DNA test and that they would return the child to her later. Laura, frightened and deceived, gave them the child, who, due to his health condition, required special medicines.

As Eduardo did not return the child or answer any calls, GIRE accompanied Laura to file a complaint with the Special Prosecutor for Missing Persons and activated an Amber Alert. After doing so, she received threats from Eduardo and his lawyer; while Tabasco authorities did nothing to recover the child and reunite him with his family. Instead, they argued that the case was not their responsibility and sent Laura to another prosecutor’s office, where they then sent her back to the first one. In July 2017, a Federal Court granted an order for the authorities to carry out, as a matter of urgency, any necessary management to guarantee the rights of the minor and safeguard his physical integrity, safety and health.

On September 1, a police officer in Tijuana located Eduardo and the child. Although the child was traveling under a different name, he was physically identified thanks to the Amber Alert issued. Both were placed at the disposal of the Public Prosecutor’s Office, which ordered the minor to remain in custody at the Child Welfare Agency in Tijuana and subsequently sent to the same agency in Villahermosa, Tabasco. It was then learned that, before being arrested, Eduardo had presented himself at the US Consulate of the border city to request requirements to register the child as a United States citizen: he presented a birth certificate allegedly issued in Tabasco, where the child appears with another name and himself as the father. Eduardo was released hours after the arrest. On October 23, 2017, almost four months after his abduction, the boy finally returned to Laura and her family.

AnNex 2

VICTORIA:[[2]](#footnote-2) LACK OF MEDICAL CARE FOR A SURROGATE

Victoria is a 32-year-old mother of three girls and has a one-month-old granddaughter. She lives in a rural area on the banks of the Grijalva River, on the outskirts of Villahermosa. She says she decided to participate in a surrogacy program to be able to buy land for her daughters. After signing a contract with an agency in Tabasco, she travelled to Puerto Vallarta –located in Jalisco, a state without surrogacy regulations- in July 2016 to receive an embryo transfer.

She was diagnosed with gestational diabetes when she was four months pregnant. Despite this diagnosis, she was not given specialized medical care, and she always felt she was treated badly by medical personnel. One day, she awoke feeling ill and her abdomen was hard so she decided to go to the clinic. It took three hours for her to receive medical attention. The doctors did not tell her that the fetus was not showing vital signs. Victoria knew intuitively that something bad had occurred. She was told to go the Tabasco Medical Clinic, whose staff told her the fetus had died in her uterus. Though Victoria requested a cesarean procedure, she was obligated to give birth vaginally.

Because no one from the agency showed up to assist her while she was hospitalized, Victoria’s family had to cover her prescriptions. Upon release from the hospital, the agency still did not pay for her medication, nor did she receive the payment promised for surrogacy services during the months she was pregnant. Victoria wants the agency to pay for her services and wants compensation for medication expenses necessary for her recovery.

ANnex 3

MARCELA:[[3]](#footnote-3) FORCED TO LIE

Marcela is a woman from Tabasco who entered into a surrogacy agreement with Shaul, an Israeli citizen. Marcela developed anemia in her second month of pregnancy, and had to be bedridden for a period of time. During her pregnancy, she was treated poorly by health care providers. Furthermore, the agency told her that, upon arrival to the hospital to give birth, she was to pretend that the baby was hers, and make corresponding payments so no one would “suspect” anything. She was assured it was dangerous that the intended father, not being Mexican, be at the hospital with her due to the climate of persecution against foreign intended parents in Tabasco. Before starting her cesarean procedure at the hospital, a nurse made her sign a document under oath in front of an “attorney” claiming that her pregnancy was not a product of a surrogacy agreement. After the child was born, she paid and left, bringing the baby to Shaul outside the hospital.

After a two-month delay in obtaining identification documents, Shaul and the baby are now in Israel. Marcela, however, is worried. At the beginning of June, she received a subpoena from the State Prosecutor’s Office. She is afraid she will be investigated just like other surrogates in Tabasco. GIRE is currently providing her with legal counsel, and presented a legal stay to show that the subpoena to appear in court was unsubstantiated; the legal stay was granted.

ANnex 4

JOSÉ: TRAPPED IN MEXICO FOR MORE THAN SIX MONTHS

José and his husband travelled to Mexico from Spain to participate in a surrogacy agreement. According to the couple’s testimony, upon birth, their baby was registered as José’s son. The clinic assured the couple this was the correct way to proceed, as the birth certificate forms in Tabasco did not allow for children to have two fathers. With the passport office closed for the winter holidays in Tabasco, the couple travelled to Mexico City with the child’s birth certificate, a copy of their surrogacy contract and a letter from the hospital to begin the necessary paperwork to acquire a passport. In this office, an official assured them that the document could not be processed due to the absence of a mother, and suggested that they invent a name to place on the document. The couple refused, and then travelled to Tabasco to request a passport. There, they met with a delegate who admitted to opposing surrogacy, and therefore would not help them. The delegate suggested that they abandon the baby and return to Spain.

Due to contradictory and confusing responses from authorities, José and his partner did not know when or how they would be able to return to their home country. Finally, on June 26th, 2015, they were able to acquire a passport and return to Spain with their nearly seven-month-old baby.

AnNex 5

MICHAEL Y VALERIA[[4]](#footnote-4): ILLEGAL RETENTION OF A MINOR AND CRIMINALIZATION OF A SURROGATE

Michael is a man with both Greek and American citizenship who came to Mexico to engage in a surrogacy agreement with Valeria, a surrogate woman from Tabasco. His son was born on December 21st, 2016 and had to remain in intensive neonatal care due to respiratory complications. The next day, an official identifying herself as a Tabasco Child Welfare worker took the baby away without any explanation. In the days following this incident, both Michael and Valeria visited the Children’s Hospital and the State Prosecutor’s Office demanding to know the baby’s whereabouts. They received no information. Valeria submitted a request in writing requesting access to the agency where the baby was, to provide him with necessary care he required as a newborn. She also requested the agency to grant access to Michael, the child’s biological father.

Upon arriving at the Attorney General’s Special Office for Family Protection and the Protection of the Rights of Children and Adolescents to locate the baby, the prosecutor directly accused Valeria saying “You do not have to lie to me. I know you are selling children”. On January 30th, 2017, GIRE presented a legal stay related to the minor’s disappearance. As a result, Valeria discovered there was a criminal investigation file against her. With GIRE’s legal counsel, another stay was submitted to determine whether there was an existing warrant for her arrest.

On January 31st, Michael was able to recover his child from the Child Welfare Agency in Villahermosa, over a month after his seizure by officials. Finally, in February 2017, he obtained a birth certificate, and after completing the necessary passport paperwork, he and his son left Mexico. Valeria, on the other hand, has not received the payments the agency promised and she continues to face criminal charges for child trafficking. GIRE is offering her legal aid in order to close this investigation.

1. The present case is an updated version of the case of "Lisa", which is documented in the report Surrogacy in Mexico (GIRE, June 2017) with the events that took place until August 1, 2017. Laura decided publish her story in the media to disseminate information the case and recover her son. [↑](#footnote-ref-1)
2. Name has been changed to protect the individual’s privacy. [↑](#footnote-ref-2)
3. Name has been changed to protect the individual’s privacy. [↑](#footnote-ref-3)
4. Name has been changed to protect the individual’s privacy. [↑](#footnote-ref-4)