

## **Questionnaire on safeguards for the protection of the rights of children born from surrogacy arrangements**

### **Identity, origins and parentage**

Surrogacy in Georgia is regulated by the Article N143 of the Law of Georgia on Health Care (the Law was enacted on 10 December of 1997). According to the Article N143 of the Law of Georgia on Health Care:

- “1. In vitro fertilisation shall be allowed:
  - a) To treat infertility, if there is a risk of transmitting a genetic disease from the wife or the husband to the child, using the gametes or embryo of the couple or a donor, if a written consent of the couple has been obtained;
  - b) If a woman does not have an uterus, by transferring the embryo obtained as a result of fertilisation to the uterus of another women (‘surrogate mother’) and growing it there; obtaining a written consent of the couple shall be obligatory.
2. If a child is born, the couple shall be deemed as parents, with the responsibilities and authorities proceeding from this fact; the donor or the ‘surrogate mother’ shall not have the right to be recognised as a parent of the born child.”

The LEPL Public Service Development Agency requests a notarially certified agreement signed between the donor and the parent among other documents in order to register the birth of a child born on the basis of extracorporeal fertilization.

In most cases the identity of the donor is unknown to the parents of the child and it is impossible to present the required document. In such cases the decision on refusal to register the birth of the child is sent to the LEPL Social Service Agency.

The LEPL Social Service Agency, as a guardianship and custodian body, implements the adoption procedures, in accordance with the Law of Georgia on Adoption and Foster Care. According to the Article N9, Paragraph 3 of the Law, with the exception of the Agency, all other physical and juridical persons are prohibited from any activity, including preliminary activity (transaction) between a biological parent, legal representative, and/or physical and/or legal persons of a specific child, or promoting such activity (transaction) for adoption or for the purpose of foster care.

In addition, during adoption, it is permitted to provide legal services by an attorney or other authorized person under the legislation of Georgia, in the case of international adoption - the authorized body for adoption of the recipient country, and in case of its absence - relevant accredited legal entity.

Notably, the care services provided in the state care system are carried out efficiently.

### **Sale of children**

One of the goals of the LEPL State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking is protection, assistance and rehabilitation of victims (including minors) of human trafficking. In order to carry out this purpose, the State Fund provides adolescent and minor

victims/abused victims/alleged victims of human trafficking within the Shelter or Crisis Center with the following services:

- Psychological-Social assistance/rehabilitation;
- Organizing/receiving medical assistance;
- Legal assistance (including judicial and law enforcement agencies);
- If necessary, interpreter services;
- Supporting reintegration in family and community and/or other services;
- Temporary housing in a shelter (only with victims/abused victims together with dependents), including food, hygiene and other means of primary consumption;
- Temporary daily housing at the Crisis Center of Tbilisi (alleged victims together with dependents), which includes providing food, hygiene and other means of primary consumption.

The services of the State Fund are available regardless of the race, skin color, language, sex, age, citizenship, origin, place of residence, place of birth, property or social status, religion, belief, national, ethnic or social affiliation, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political or other opinion or etc.

Without the consent of a parent (legal representative) of minor victims/abused victims/alleged victims, involvement in the State Fund services is carried out by the LEPL Social Service Agency as a guardian and custodian body with consent/mediation.

If a minor informs the State Fund about the violence or illegal activity, including human trafficking, the State Fund, according to the "Procedure for Child Protection (Regulation)" approved by the Government of Georgia Resolution N437 of September 12, 2016, immediately notify the law enforcement authorities (police) and the LEPL Social Service Agency about the fact of alleged violence against a minor.

In most cases, minor abuse victims, including human trafficking victims, become involved in the services of the State Fund based on the notification of LEPL Social Service Agency and/or Law Enforcement Authority.