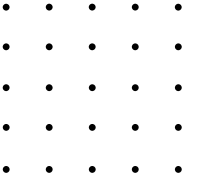


Surrogacy and Legislative Comparison Between Italy and Ukraine

A Legal Perspective



Why Compare Surrogacy Laws?

Surrogacy is an arrangement where a woman agrees to carry and give birth to a child for another person or couple. This can be done altruistically, with no financial compensation, or commercially, where monetary benefits are provided.



Italy prohibits surrogacy



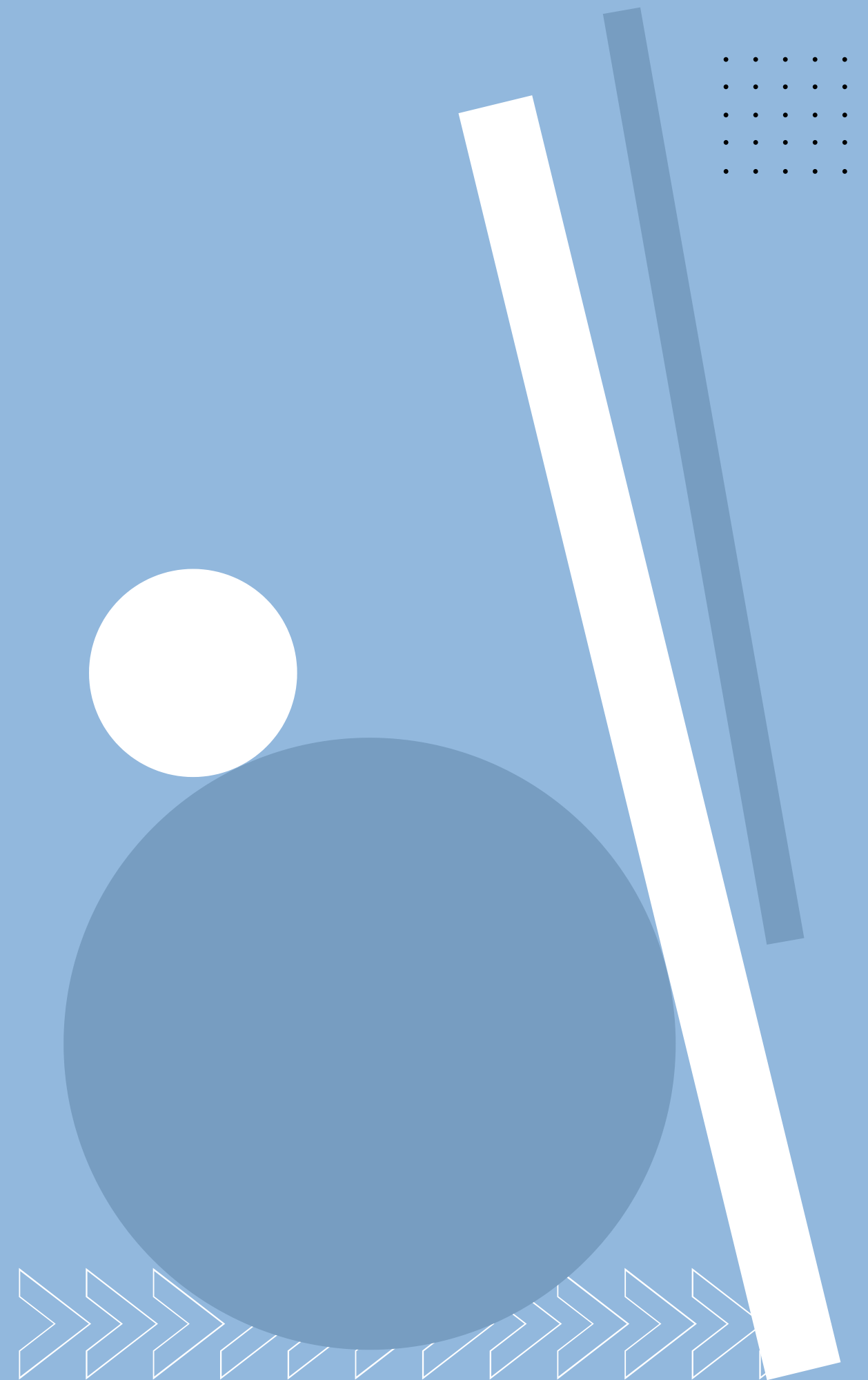
Ukraine, on the other hand, has one of the most liberal surrogacy frameworks in the world,



Surrogacy in Italy

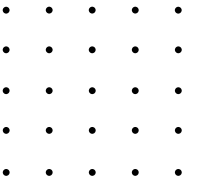
Prohibition and Ethical Framework

- Complete ban under **Law 40/2004**.
 - Legal void for contracts; no parental rights for intended parents.
 - Ethical concerns rooted in Catholic values and societal views.
 - Case example: The Brescia Court decision on surrogacy.
-



Surrogacy in Ukraine

A Liberalized Framework



Legalized under specific laws

Surrogacy is legal and regulated under laws such as the Family Code of Ukraine and related health and civil statutes.



Commercial surrogacy allowed

Ukraine permits commercial surrogacy, making it a popular destination for couples from around the world



Requirements

Only married heterosexual couples eligible. Strict requirements for surrogate mothers, including health checks and contractual obligations



Hub for international surrogacy

The cost of surrogacy in Ukraine ranges from €40,000 to €65,000, significantly lower than in countries like the United States, where costs can exceed \$100,000.



Italy vs. Ukraine: A Legal and Ethical Divide

01

Legal status

Italy's outright prohibition versus Ukraine's regulated industry

02

Parental rights

In Italy, the surrogate is considered the legal mother, while in Ukraine, intended parents' rights are established at birth.

03

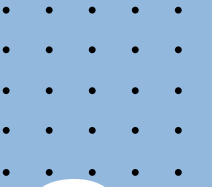
Ethical debates

Italy's focus is on preventing commodification and exploitation, whereas Ukraine faces criticism for insufficient safeguards to protect surrogate mothers.

Key Legal and Ethical Differences



Cross-Border Implications

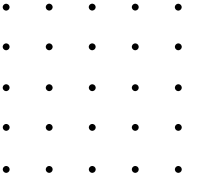
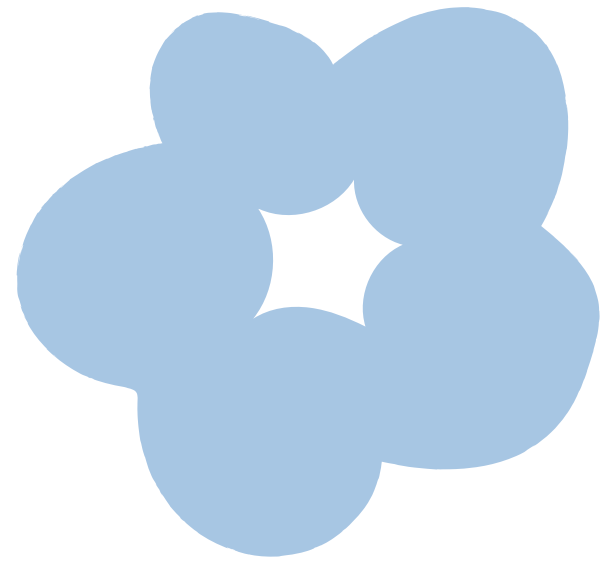


Non-recognition of Ukrainian surrogacy in Italy.

Complexities upon returning: Parental rights and citizenship issues.

Influence of EU law and human rights rulings: Paradiso and Campanelli v. Italy





Ethical Dilemmas in Surrogacy

Complex Realities and Controversies

- Surrogacy amidst war: Ukrainian surrogate mothers relocating.
- Ethical challenges in cross-border surrogacy agreements.
- Broader implications for children's rights and surrogate welfare.



Conclusions

The comparison between Italy and Ukraine highlights how cultural, legal, and ethical considerations shape surrogacy laws. While Italy prioritizes ethical and societal concerns, Ukraine adopts a pragmatic and regulated approach.

The rise of cross-border surrogacy reveals the need for international cooperation to address the legal and ethical challenges it poses. Harmonized laws could ensure better protection for children, intended parents, and surrogate mothers.

