"Gay Marriage" in US Creates Surrogacy "Niche Market" in Tbilisi Georgia

There is always a flip side to anything. Same sex marriage in the United States, much derided by the religious right, has also become a new marketing niche, thus becoming acceptable by default amongst the same religious right by also satisfying free market principles.

In the post-Soviet country of Georgia, a more genuinely conservative country than the US will ever be, a massive surrogacy sector has developed. A lot of women perform this service more than once. As surrogate women are said to earn at least 15,000 dollars for the procedure, this makes it one of the most lucrative business opportunities open to economically disadvantaged Georgian women.

It is up to the prospective non-biological parents, who are usually foreign, whether they meet the woman or not. In rare cases, the surrogate gets to spend the term of their pregnancy in another country. The reasons for this are varied, but this is often done to circumvent various laws, or keep the biological mother from changing her mind when the child is born.

Each surrogacy contract also has specific terms of agreement, which address the question, "what happens if there's miscarriage or a health issue?" Various providers claim (this is allegedly written in the agreement, but not always) that the surrogate's foreign client would be held responsible for such costs. Georgians have a long history of being dependent on foreigners for their subsistence, and now they are fighting back, but this is hardly the best way to do it.

I was recently asked for help telling the rest of this story. My contact asked, "Do you know anyone who can help us tell some of this story? We are predominantly looking for the dilemmas, stories of where it goes wrong, or
unreasonable/illegal demands made of the surrogates.” In investigating further, Ucha Nanuashvili, the former Georgian public defender, the top human rights person in Georgia, shared with me. “I met several times with Tamar Khachapuridze, owner of one of the surrogacy centers. She spoke about crime in this business, etc.”

That was enough to get started on my quest for the truth. I have since found other sources, and from the stories told, and discussions with various stakeholders in the business, it has become clear that it is not as billed.

Legalised Vampires

Firstly, there is a big difference in advertised success rates between clinics. Some variation would be expected - different samples will produce different results. But the variation in Georgia seems to exist because private healthcare is a growth industry, with various cartel aspects (as in drug prices) and no one wants to track figures too closely for fear of damaging livelihoods.

Some providers claim a success rate of about 40 to 45% amongst women under 35. Over this age, the success rate will only be about 15% because the quality of the embryos decreases. But they skirt the issue of who wants these services, and why.

Georgian legislation is very enabling of this niche market. Couples who use this service do not have to be married, and this enables some reproductive clinics to cater specifically for LGBT clients.

Take for example one advertisement found online, which advertises Georgia and other less developed countries as breeding grounds for the more sophisticated and deserving Westerner:

“Couples belonging to the same gender dream of having their own children too. Surrogacy Abroad, Inc. has now turned this dream into a reality by providing services that help gay couples and singles have their own biological children through surrogacy. Now, people belonging to the lesbian, gay, bisexual and trans-gender (LGBT) community can have their own children too. It is our belief at Surrogacy Abroad”.

Surrogacy Abroad advertises itself “as an international surrogacy agency based in Chicago, owned and operated by Benhur Samson, a native Indian and business entrepreneur. Benhur moved to Chicago in 1987 ... Ben saw an opportunity in the industry to bridge the gap between intended parents of all lifestyles and surrogacy.

This clinic is dedicated to serving intended parents all over the world by facilitating the surrogacy process with their elite partner clinics in India. They also deal with surrogate mothers and egg donors (Caucasian & Indian donors). “We are a “one-stop” agency for any intended parent (GLBT friendly) and can accommodate every aspect of the journey to parenthood through surrogacy.”

When pressed on these details, the company first claimed that the company was not working in Georgia, and tried to push the topic aside by saying “if you have any further questions you can refer to the Georgian Ministry of Health and they will explain each detail to you. All I can say is that surrogating and egg and sperm donation is legal in Georgia.”

When the doctor involved was personally contacted, the first response was “I’m Doctor Tamar and you have to know that Georgia doesn’t serve gay couples, as it is banned in Georgia.” I responded by pointing out that the website has a Georgian flag, but Doctor Tamar had no answer to this.

She added ... “to tell the truth may be each person has right to have children but me as a doctor and as an ordinary person am not ready to accept gay couples but lesbians should be able to have children, I think in the future it’s the neglecting children’s right

So, are you on their side? I think that you aren’t ... there are too many, American, Indian, Chinese companies who want to make profit in such countries where surrogation and donation is legal.

I will not do IVF for gay couples if it will be allowed even, about lesbians, I will think twice, because at least they both are girls and children can call mommy to females."

One law for one, no law for another

It becomes oblivious of those who seek in vitro fertilization in Georgia are practicing gay couples. Some are infected with HIV. The surrogacy centers claim that the HIV virus can be washed out during sperm processing, and that the risk of infecting the surrogate mother is less than 0.1%. This extremely low figure cannot be correct, as there are
window periods in which antibodies cannot even be detected. Either these are not being considered, or the figures are being falsified in a way real medical profession would not accept.

Those infected with HIV are also often infected with hepatitis B and C, which can also be transferred by body fluids. They also present a risk to doctors and lab workers, who are aware of this but have to earn their livings somehow. The trials and tribulations Woodward and Bernstein went through to get the information which blew open the Watergate scandal were small beer compared to what is needed to get Georgian doctors to speak on the record about anything to do with their profession. The official line is the only one, even for those who know it is nonsense.

Are surrogate mothers even being told of the inherent risks of the procedure? Are they made aware of what diseases the sperm donor may be transmitting? It is claimed that surrogate mothers demand higher prices if they are asked to take extra risks. Therefore, they are not told of them when they sign the informed consent documents, or given false information if they are.

It boils down to no questions asked. As one source wrote, “Can the couple be male/male, or female/female? We don’t need to ask the question here. In Georgia female and female and male and male marriages are impossible. They are prohibited by Georgian legislation.” Georgian medical clinics are therefore bound to offer services to male and female couples only – but if the parents advertise themselves as a couple, they are treated as the Georgian definition of one.

**Brave New World**

Some of the clinics get around the legislation by accepting sperm or egg donations from America for the purposes of Cryopreservation, e.g., keeping frozen embryos. Provided the paperwork is done, no one cares what happens to those donations afterwards. It has long been a standard in the nuclear transportation industry that 1% of each load will be lost in transit and unaccounted for at the receiving end. One wonders what the same standard is in the Cryopreservation industry.

These transfers present legal problems due to the donors and recipients being bound by different legal codes. These are circumvented by granting Power of Attorney. The patient identifies a “reliable person” (a paid foreigner, who can read English and Georgian) who signs the agreement with them at a notary on their behalf. If no notarised agreement is in place on the day of the embryo transfer the donor bears added costs if the baby dies.

After delivery of the baby the donors must come to Georgia because the House of Justice processes all the documents. The parents must obtain the birth certificate and foreign passport from there. It takes about a month and a half to obtain these documents and then a visa for the newborn to go back with them.

It is obvious to staff at the House of Justice, and subsequently to the surrogacy centres, exactly who the parents of these surrogate babies are. Both the House of Justice and the centres, and usually the parents themselves, know that the service provided is illegal under Georgian legislation.

But welcome to the Georgian society created by Eduard Shevardnadze and Mikheil Saakashvili – the only value is what you can get away with, and foreign money determines what that is—it is all about money. All is for rent or sale, as in the case of Georgian wombs or actual babies.

**Devil in the Details**

Much of the above information comes from an interview with a surrogacy agency conducted by Rev. Dr. Michael R Vanderpool, US Press Association, Eurasia Surrogacy & Egg Donation International. The further this interview and investigation progressed, the more distressing it got, and I went to first hand sources to verify much of what was opened source.

For instance, "OK, to clarify - if I provide you, or rather the patient provides you, the power of attorney, they can send the sperm and/or eggs by delivery (express postal mail)?"

“Yes, they can generally send any biological sample. Mostly what they send is embryos, because in some countries, and in some parts even of the United States, there is a prohibition on surrogating and surrogate mothers, so maybe they are making embryos; however, they can’t transfer them to a surrogate mother; they can send those embryos here, and we can do the transfer procedures here in Georgia. But according to United States legislation, as I know, one of the parents must be genetically bonded to the baby, either the mother or the father."

“OK, in this case, where they have signed the power of attorney and sent the sperm or donor eggs to Georgia, when
“About one month, maximum two months. "And do they need to stay in Georgia during that time?" "They don't need. They must come here, but take care of the baby - mainly we pay nurses, or they can stay here if they have the possibility and take care of the baby themselves.

“But a busy life is very complicated, and couples are very busy. It's impossible for most couples to stay in another country for two months, yes? So, we pay nurses to look after the babies. But after the delivery of the baby they must be here.

“Sometimes they arrive and want to attend even the delivery process, and if we have planned a Caesarean section some patients demand that they want only a Caesarean section for the surrogate mother. Some do not have any problem with the surrogate mother delivering physiologically, but it's up to the patient.”

“They can make the choice of natural birth versus C-section?” “Yes. If it is a C-section we can plan it and inform the patient a week before, but if it is natural delivery we can't predict the arrival date for sure, so sometimes the parents come here and it's no problem. This means the whole process will take a maximum of two months, or maybe less, because the baby is delivered in the name of the surrogate mother and after the delivery the hospital sends all the documents to the House of Justice, which puts the baby in the name of the real parents.”

“So, in theory, they could arrive at around the time of the expected or actual birth of the child?” “Or after delivery.” "And if they are busy, or have some situation, they can return to their home country, the United States in this example, and then come back in another month or two?" "Yes. Yes."

Gays can’t have babies in most of the US, or in Georgia. But American gays who want babies can have them in Georgia. This tells you all you need to know about international relations, US style. America’s religious right is strongly in favor of the “right to life”. Here’s some news for them: Georgians have the right to lives too, and better ones than this.

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