

Submission form

Please provide your contact details below.

Name:	Liz Paton
If this submission is made on behalf of an organisation, please name the organisation:	Family Planning
Please provide a brief description of the organisation if applicable:	Sexual and Reproductive Health and Rights
Address/email:	
Interest in this topic (eg, user of fertility services, health professional, member of the public):	Fertility and family planning

We will place all submissions on ACART's website, except where we are asked that submissions be withheld in full or part for reasons of confidentiality. We will remove contact information from all submissions.

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I **request** that my submission be withheld in full or part from publication on ACART's website (if you wish a part to be withheld, please clearly indicate which part).

Please note that all submissions may be requested by any member of the public under the Official Information Act 1982 (the Act). If there is any part of your submission that you consider should be properly withheld under the Act, please make this clear in your submission, noting the reasons.

If information from your submission is requested under the Act, the Ministry of Health (the Ministry) will release your submission to the person who requested it. The Ministry will remove your name and/or contact details from the submission if you check one or both of the following boxes. Where a submission is made on behalf of an organisation, the Ministry will not remove the name of the organisation.

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I **do not** give permission for my name to be released to persons under the Official Information Act 1982.

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I **do not** give permission for my contact details to be released to persons under the Official Information Act 1982.

We will acknowledge all submissions. A summary of submissions will be sent to those who request a copy. The summary will include the names of everyone who made a submission, except where individuals have asked for personal details to be withheld.

Do you wish to receive a copy of the summary of submissions?

☐

Yes

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No

Questions about the proposed amendments to the guidelines

Question 1

Do you agree with ACART's conclusions that:

- the surrogacy guidelines currently discriminate on the basis of sex and sexual orientation, and
- the discrimination is not justified in light of the principles of the Human Assisted Reproductive Technology Act 2004?

Yes ☒ No ☐

Please give reasons for your views.

We are very pleased to see that this issue has not been addressed and we fully support the initiative. We believe that the International Conference on Population and Development (IPCD) Programme of Action 1994 supports the basic rights of couples and individuals to freely decide on spacing and timing of their children. The principle of non discrimination on the basis of sex, sexual orientation or gender identity adds to the proposition that a diverse range of couples and individuals should have access to technologies. The committee should also consider the status of transgender and intersex individuals and their access to reproductive technologies.

Question 2

Do you agree with ACART's view that surrogacy should be used only where there is a need, and not for convenience?

Yes ☐ No ☐

Please give reasons for your views.

The eligibility criteria for surrogacy set the perimeters for the meaning of 'convenience'. We consider that the eligibility should contain reference to a wider range of well-being factors including socio-psychological grounds. Although it may be that this was intended to be part of the definition of 'health'. This should be made clear in the guidelines.

Question 3

Do you have any other comments on ACART's proposed amendments to the *Guidelines on Surrogacy Arrangements involving Providers of Fertility Services*?

We are not yet convinced that the eligibility criteria for surrogacy is fair and equitable. The guidelines appear to say that where two women are the intending parents they must both meet the eligibility criteria before they can access surrogacy services. We contend that only one parent should be required to meet the eligibility criteria on par with a heterosexual relationship.

The assumption behind requiring two women in a relationship to be eligible is that if one person meets the grounds for non conception and pregnancy the female partner will carry the pregnancy. This undermines the autonomy and reproductive choices of that partner by introducing a social and policy expectation of their role in the relationship. It may also introduce tension into the relationship due to the pressure to give birth.

The requirement that only one person in the relationship meets eligibility criteria should be extended to all forms of relationship to prevent unnecessary compromise of a partners reproductive autonomy.

Question 4

Do you agree with ACART's proposal that single men and male couples applying to ECART to enter a surrogacy arrangement should also be able to apply to use eggs donated by a family member?

Yes ☒ No ☐

Please give reasons for your views.

See our answer to question 1. As long as individuals meet the criteria there should be no impediment based on relationship status, sexual orientation, sex, gender or gender identity.

Question 5

Do you agree with ACART's proposal that single women and lesbian couples should be able to apply to ECART to use sperm donated by a family member without needing a medical justification?

Yes ☒ No ☐

Please give reasons for your views.

This will allow a wider range of lesbian couples to access services in New Zealand.

Question 6

Do you agree with ACART's view that the use of eggs or sperm donated by a family member should be possible only where intending parents do not have their own eggs or sperm, or if they do, that there is a medical reason for them not to use their own eggs or sperm?

Yes ☒ No ☐

Please give reasons for your views.

This will safeguard against misuse of the system for 'designer' children.

Question 7

Do you have any other comments or suggestions about either the proposed amendments to the guidelines or the associated discussion?

Thank you for the opportunity to comment.