

GLOSSARY

International surrogacy arrangement	<p>A surrogacy arrangement entered into by intending parent(s) resident¹ in one State and a surrogate resident (or sometimes merely present) in a different State.</p> <p>Such an arrangement may well involve gamete donor(s) in the State where the surrogate resides (or is present), or even in a third State.</p> <p>Such an arrangement may be a traditional or gestational surrogacy arrangement and may be altruistic or commercial in nature (see below).</p>
Traditional surrogacy arrangement	<p>A surrogacy arrangement where the surrogate provides her own genetic material (egg) and thus the child born is genetically related to the surrogate.</p> <p>Such an arrangement may involve natural conception or artificial insemination procedures.</p> <p>This may be an altruistic or commercial arrangement (see below).</p>
Gestational surrogacy arrangement	<p>A surrogacy arrangement in which the surrogate does not provide her own genetic material and thus the child born is not genetically related to the surrogate.</p> <p>Such an arrangement will usually occur following IVF treatment. The gametes may come from both intending parents, one, or neither.</p> <p>This may be an altruistic or commercial arrangement (see below).</p>
Commercial surrogacy arrangement	<p>A surrogacy arrangement where the intending parent(s) pay the surrogate financial remuneration which goes beyond her "reasonable expenses". This may be termed "compensation" for "pain and suffering" or may be simply the fee which the surrogate mother charges for carrying the child.</p> <p>This may be a gestational or a traditional surrogacy arrangement.</p> <p>N.B. It is often difficult to draw the line between what is an altruistic surrogacy arrangement and what is a commercial arrangement. For example, if a surrogate is unemployed prior to conception but can claim "reasonable expenses", including loss of earnings, for the arrangement, is this arrangement still "altruistic"?</p>
Altruistic surrogacy arrangement	<p>A surrogacy arrangement where the intending parent(s) pay the surrogate nothing or, more usually, only for her "reasonable expenses" associated with the surrogacy. No financial remuneration beyond this is paid to the surrogate.</p> <p>This may be a gestational or a traditional surrogacy arrangement.</p> <p>Such arrangements often (but not always) take place between intending parent(s) and someone they may already know (<i>e.g.</i>, a relative or a friend).</p>
Receiving State	<p>The State in which the intending parents are resident and to which they wish to return with the child, following the birth.</p>

¹ The term habitually resident is purposely not used here. It may usually be the case that both the intending parent(s) and the surrogate are "habitually resident" in these States. However, the definition has been drawn broadly (even including those cases where a surrogate is merely "present" in the other State) to include all possible cases where problems are occurring: *e.g.*, this would include situations where women have been 'trafficked' to a permissive State for the purposes of being surrogates.

State of the child's birth	The State in which the surrogate gives birth to the child and in which the question of the child's legal parentage usually first arises. This will usually be the State in which the surrogate is resident. However, in some cases the surrogate may move to a State specifically for the birth. ²
Surrogate (mother)	The woman who agrees to carry a child (or children) for the intending parent(s) and relinquishes her parental rights following the birth. In this paper, this term is used to include a woman who has not provided her genetic material for the child. In some States, in these circumstances, surrogates are called "gestational carriers" or "gestational hosts".
Intending parent(s)	The person(s) who request another to carry a child for them, with the intention that they will take custody of the child following the birth and parent the child as their own. Such person(s) may, or may not be, genetically related to the child born as a result of the arrangement.
Gamete (egg) donor	The woman who provides her eggs to be used by other person(s) to conceive a child. In some States, such "donors" may receive compensation beyond their expenses. The question of the anonymity of "donors" also varies among States.
Gamete (sperm) donor	The man who provides his sperm to be used by other person(s) to conceive a child. In some States, such "donors" may receive compensation beyond their expenses. The question of anonymity of "donors" also varies among States.
"Legal parentage" or the legal parent(s)	The person(s) considered to have acquired the legal status of being the "parents" of the child under the relevant law, and who will acquire all the rights and obligations which flow from this status under that law. In surrogacy situations, this may not (indeed, often will not) coincide with the genetic parentage of the child (<i>i.e.</i> , those who have provided their genetic material).
"Genetic parentage" or the genetic parents	The person(s) who have provided their genetic material for the conception of the child. In some languages, this is referred to as "biological parentage". In surrogacy situations, such person(s) may not be (and often will not be), the legal parent(s) of the child.

² Or may have been "trafficked" there for this purpose.