

RIGHT OF MOTHERHOOD AND ITS DIVISION BASED ON A SURROGACY CONTRACT

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Abstract. This paper examines the right of motherhood and the problematics of its division in the case of surrogacy, as well as the rights of a child born through surrogacy. The rights of a mother and a child are protected by the Constitution of Georgia¹. International acts provide for the special protection of maternal rights². However, in the Georgian legal system, there is no separate legal act on the right of motherhood and its protection mechanisms. Therefore, according to the UN data, Georgia is included in the list of dying nations³, which is caused by the demographic crisis, and no matter how paradoxical it may sound, at the same time ‘children are flowing out’ from Georgia through surrogacy all over the world. The improvement of the demographic situation is directly related to the legal enhancement of the right of motherhood. Accordingly, the purpose of this article is to review the right of motherhood, and the existing and future protection guarantees of the right, which will help the country to overcome the demographic crisis, as well as to discuss the existing legal framework of surrogacy in relation to the right of motherhood, and to determine a middle way that is necessary for creating a new life through surrogacy without violating the rights of a mother and a child.

Keywords: right of motherhood, surrogacy contract, protection of children.

1. Introduction

The right of motherhood is considered as a constituent part of human rights and women’s rights. The parental rights provided for by family law and other legal acts apply to mothers, which are considered as a totality within the framework of the concept of equality between men and women, despite the fact that the Constitution of Georgia specifically states a mother. As a result of analysing the norms reviewed in various legal acts, it is clear that if a mother

1. The Constitution of Georgia, the Constitutional Law of the Republic of Georgia, No 786, 24.8.995, Article 30(2).
2. Universal Declaration of Human Rights, 10 December 1948, UN General Assembly, Article 25.
3. Tsitsino Tetrauli, the Problems of Economic Stabilisation in the Modern World and ‘Overton Window’, Economic Problems of the Modern World, Ivane Javakhishvili Tbilisi State University, the Publishing House of Paata Gugushvili Institute of Economics, Tbilisi, 2020, p. 129. <http://conferenceconomics.tsu.ge>.

does not simultaneously have another status (a disadvantaged person, single, a person with disabilities), she will not enjoy any benefits or different rights determined by the State, which means that at this stage this norm is declarative.

Although parents enjoy equal rights and responsibilities, biologically a child is born by a mother and the physiological and psychological changes that a woman undergoes during pregnancy, childbirth and after that are widely recognised. Therefore, a mother's rights should be protected both during pregnancy and after childbirth, and during the entire period of raising a child, which does not mean at all that a father's role is diminished.

Historically, the phenomenon of a mother has had an immense role in Georgia, although today so-called "surrogacy tourism" is booming and one of the means for attracting tourists from all over the world is surrogacy, i.e. the transfer of the right of motherhood to another person on the basis of a transaction. Paid surrogacy has been a subject of discussion for a long time, however the regulation of surrogacy by a legal framework is still at the initial stage. The State strictly controls adoption and organ transplantation through the mechanism of a mandatory court order, while concluding a transaction on the transfer of the right of motherhood still remains a matter of personal agreement. Based on the above, it is necessary to fill that legislative vacuum and to expand the scope of the intervention of the State in the legal regulation of surrogacy.

2. Right of motherhood

The existence of the right of motherhood is recognised by Article 30(2) of the Constitution of Georgia. The said article jointly protects the rights of a mother and a child, as mother and child are inseparable. Taking care of future generations is a priority of every prudent state, even based on rational and pragmatic goals, that someday the current government will be in the hands of the next generation, who will take care of the social protection of their elderly lives the same way as the government took care of children. Taking care of future generations unconditionally implies taking care of mothers, as their wellbeing directly affects the personal characteristics of their children. At present, mothers are one of the most vulnerable groups of people, because the components of the right of motherhood and its protection mechanisms are not determined.

The mechanisms for protecting the right of motherhood are mainly provided for by labour legislation, since it is the field that competes with the exercise of the right of motherhood: a working mother has less time to spend with her child. Therefore, the safeguards provided for by the labour codes are important for mothers. Legal norms can change people's lives. That was the case in 2006, when labour legislation based on clearly discriminatory American approaches was introduced⁴, which in fact negatively affected Georgian

4. The Law of Georgia Labour Code of Georgia, No 3132, 25.5.2006.

citizenship and deprived it of legal force, almost abolished the guarantees protecting the right of motherhood, and deprived future generations of the opportunity to be raised by their mothers. Since then, motherhood (even potential) has become a reason for employment discrimination in many situations. In Georgia, in order to save an employer from the obligation to compensate mothers for child care leave, the State pays working mothers a compensation of only GEL 2 000, while the matter of payment for child care leave still depends on the employer's will, which forces breastfeeding mothers to leave their babies and go to work, notwithstanding their physiological and psychological condition. Meanwhile, guarantees protecting the right of motherhood will serve as a measure of the legal culture of a country. In order to exercise the right of motherhood, it is advisable that states provide working mothers with certain benefits so that they can be engaged in the social life of their children.

Certain steps have been taken in the education system as well in order to engage parents in school life, although working mothers are not able to do that.

Thus, women are afraid of having children due to possible unemployment, a lack of funds necessary for child support, and a lack of access to education, sport and cultural events. Currently, the burden of taking care of a child is mainly borne by families, including mothers. The participation of mothers in the resolution by the State of issues related to the children's needs is quite important, and it would therefore be a step forward to create a registry of mothers, in which all mothers would be registered regardless of the number of their children, and various benefits would be granted to them according to the number of children, including exemption from state taxes. In addition, it would be useful to create an electronic platform for the social representation of mothers⁵, through which they could systematically state their needs and general opinions on issues related to the upbringing of future generations.

3. Division of the Right of Motherhood

It should be noted that statistically the main motivating factor for surrogacy is monetary compensation. Surrogate mothers are mainly women with medium to low financial means. Therefore, the right of motherhood is divided for monetary compensation. Acknowledgement as a mother is a legal fact, and unlike paternity, it does not need to be recognised (if a woman is not married), due to biological factors. However, there is an exception – a surrogate mother. Accordingly, it seems that it is possible to transfer the right of motherhood on the basis of a transaction conducted between private persons. Family law determines sanctions for the above, such as the deprivation, restriction and suspension of parental rights⁶, but it does not envisage the full transfer of parental rights during the lifetime of a parent.

5. Pablo QueirozI Cleonice CaminoII Lilian GalvãoIII Julian SantosIV Natália PequenoV Anderson MathiasVI, Social representations of mothers about human rights, *Arquivos Brasileiros de Psicologia*; Rio de Janeiro, 65 (3): 357-375.

6. The Law of Georgia the Civil Code of Georgia, the Parliament of Georgia, No 786, 26.6.1997.

In common law countries, where surrogacy originated, such transactions are permitted but with certain limitations⁷. In the United Kingdom, the Human Fertilisation and Embryology Act defines a mother as follows: ‘The woman who is carrying or has carried a child as a result of the placing in her of an embryo or of sperm and eggs, and no other woman, is to be treated as the mother of the child.’ The issue is regulated differently in the United States of America, although only alternative surrogacy is permitted in certain states (Washington, Florida, Nevada, Louisiana). Some states (New York, Michigan, Indiana) prohibit such contracts as transactions contradicting public order⁸.

The approach in countries with continental law systems corresponds to the principle of Romano-Germanic Law ‘mater semper certa est’, which considers it inadmissible to alienate the civil status of a mother. However, in the case of gestational surrogacy, the status of a mother is divided based on a transaction and the concepts of ‘a genetic mother’ (a woman to whom an egg belongs) and ‘a biological mother’ (a woman who carries in her womb the embryo fertilised by the egg of the genetic mother) are created⁹. In major European countries, paid surrogacy is restricted in order to protect the status of motherhood. In Austria, the legitimate ground for such a restriction is the protection of a woman’s body from commercialisation and exploitation¹⁰. The French government annulled surrogacy agreements based on public principles, according to which the human body and civil status are inviolable. Under Article 16/7 of the Civil Code of France, any agreement on reproductive or gestational surrogacy is null and void. In its decisions of 31 May 1991 and 29 June 1994, the court of cassation took into account the principle of unity of the human body and civil status, which are matters of public policy, and prohibited the granting of the status of a father or a mother on the basis of a contract, and the establishment of parent-child relations on the basis of a surrogacy agreement¹¹.

In Germany, according to the Act for Protection of Embryos, the transfer into a woman of an egg cell produced by another woman is an offence and is punishable by three years of imprisonment¹². According to the German government, such prohibition aims to ensure the well-being of a child, in particular to clearly identify his/her mother. The division of mothers into biological and genetic mothers requires the existence of two women who participate in the creation of a child. The concept of two women being the mother of the same child contradicts the principle of the unambiguous determination of a mother, which in turn is an essential and fundamental aspect of the consensus existing in society¹³.

7. Gelashvili, Irma, dissertation thesis ‘Civil Law Status of a Fetus, 11.5.2012, p. 112.

8. Gelashvili, Irma, dissertation thesis ‘Civil Law Status of a Fetus, 11.5.2012, p. 113.

9. Decision of the European Court of Human Rights, S.H. and Others v. Austria, Application no. 57813/00, Strasbourg, 1 April 2010.

10. Decision of the European Court of Human Rights, S.H. AND OTHERS v. Austria, Application no. 57813/00, Strasbourg, 1 April 2010.

11. Decision of the European Court of Human Rights, Mennesson v. France, Application no. 65192/11), Strasbourg, 26 June 2014.

12. Act for Protection of Embryos (The Embryo Protection Act), Federal Law Gazette, Part I, No 69, issued in Bonn, 19 December 1990, pp. 2746. 1.1.

13. Decision of the European Court of Human Rights, S.H. and Others v. Austria. Application no. 57813/00, Strasbourg, 1 April 2010.

As for Georgia, surrogate motherhood is permitted both in paid and altruistic forms. A surrogate mother does not have the right to be recognised as the child's parent, and it is inadmissible to make a reference to the donor or surrogate mother as the child's parent in the birth record¹⁴. The parents of a child born as a result of extracorporeal fertilisation are considered to be: a) genetic parents; b) the genetic parent and the second person to be specified as a parent in the birth record, based on a contract; c) a couple. With regard to this approach, it is interesting to draw a parallel with the first American precedent, where a surrogate mother who had 2 children of her own refused to surrender custody of the child upon birth¹⁵. The mentioned precedent is interesting considering the circumstances that, in the case of a similar desire of a surrogate mother in Georgia, a court will not even admit such a claim, as the legislation directly and imperatively establishes that a surrogate mother cannot be a parent. According to scholars, by introducing such a norm, the mother who bears a child is deprived of the right to be acknowledged as a parent¹⁶. However, there is a precedent where a surrogate mother was referred to as a parent due to the failure to submit to the registration authority the documents confirming the child's surrogacy. However, unlike the American precedent, the surrogate mother was requesting the annulment of the birth certificate where she was referred to as the child's mother¹⁷.

The Law of Georgia on Health Care allows surrogacy only for a 'couple'. A single person does not have the right to have a child through surrogacy. The law does not define whether a couple must be heterosexual or homosexual. However, since the Constitution of Georgia establishes that a marriage is a voluntary union between a man and a woman, and 'mother' and 'father' are registered as parents during the registration of a child, it is considered that a couple must be heterosexual. In order to avoid differences in opinions, a couple is also defined in the subordinate act¹⁸, which specifies that a party to an agreement can be a couple of a woman and a man, whose goal is to raise a child born through extracorporeal fertilisation, if they are: a) married and have been married for at least 1 year; b) in actual cohabitation at least for the past 1 year. The rational approach of the legislator regarding the gender of parents is noteworthy, since a child has the right to have both parents: mother and father. Although there are many children who grow up without a mother or father, or without both, due to biological factors, a child has the right to have a mother and a father. Despite the fertilisation method, both a woman's egg and a man's sperm are needed for the conception of a child, which is the ground for their parental rights in the future. In this regard, the European Court prioritised the child's interests when it did not establish the violation of the right to respect for private and family life against a transsexual (who

14. Law of Georgia on Health Care, the Parliament of Georgia, No 1139, 10.12.1997, Article 143(1).

15. *In re Baby M*, 537 A.2d 1227, 109 N.J. 396 (N.J. 02/03/1988).

16. Gelashvili, Irma, dissertation thesis 'Civil Law Status of a Fetus', 11.5.2012, p. 102.

17. Judgements of the Supreme Court of Georgia, Case No 86-874-866(3-16), 25.4.2017.

18. Order No 18 of the Minister of Justice of Georgia of 31 January 2012 on Approval of the Procedure for Registration of Civil Acts, Article 19.

changed gender from female to male), his partner and their daughter (who was born through artificial insemination by a donor (AID)), who demanded to be recognised as the child's father in her birth certificate. The court was not convinced that children conceived through AID would somehow benefit from the registration of the applicant as the father. As a result, the court did not find that, under Article 8, a person who was not a biological father should be recognised as the father¹⁹.

Although the transfer of the right of motherhood is permitted, the applicable labour legislation does not include any norm implying the rights of a 'mother' of a child born through surrogacy. In terms of periods of leave provided for by the labour legislation²⁰, only a mother has the right to maternity leave²¹, which can also be enjoyed by a surrogate mother.

To sum up, the lack of legislative regulation gives rise to more and more new challenges to family cohabitation, as the basic cell of society, such as a family consisting of recognised mother, father and children, is being deprived of its foundation. In addition, the most paradoxical fact is that there are inalienable rights, such as the right to dignity and copyright, but they do not include the right of motherhood. There is no unified concept of the right of motherhood, or the right to dignity, like the concepts of law or public order, since there are issues the formation of which as concepts limits and frames their general legal nature. Nevertheless, it is necessary to define its components in general. Due to the extra-legal context of the right of motherhood, its transfer based on a transaction, except for the cases provided for by law, should be considered inadmissible.

4. Legal Framework of a Contract on Extracorporeal Fertilisation (Surrogacy)

The issue of surrogacy is becoming more and more relevant with the development of medicine. According to international approaches in general, surrogacy is considered by law as the means of exercising the right of human reproduction. The European Court of Human Rights ruled²² that the refusal of artificial insemination was an interference with the right to private and family life, and that the concept of private life implies the ability of a person to become a genetic parent²³. Its legal regulation and the scope of state intervention are important for exercising that right. The applicable legislation of Georgia does not provide for any special requirements for such transactions. In terms of its elements, such a contract is relatively close to a service contract, where both parties have rights and obligations. The issue of violation of obligations is particularly noteworthy, as the State does not interfere in this matter and assigns such obligations to the private autonomy of the individuals involved. Obligations may be violated by a

19. Decision of the European Court of Human Rights, *X, Y & Z v. the United Kingdom*, Application no. 21830/93, 22.4.1997.

20. The Organic Law of Georgia the Labour Code of Georgia, the Parliament of Georgia, No 4113-სს, 17.12.2010.

21. Decision of the European Court of Human Rights, *Dixon v. the United Kingdom*, No 44362/04, 4.12.2007.

22. Decision of the European Court of Human Rights, *S.H. and Others v. Austria*. Application no. 57813/00, Strasbourg, 1 April 2010.

23. The Law of Georgia the Civil Procedure Code of Georgia, the Parliament of Georgia, No 1106, 14.11.1997.

surrogate mother as well, when she acts against the principle of good faith, fails to follow doctors' prescriptions, smokes tobacco, or consumes alcohol or narcotic substances. Therefore, if the culpable actions of a surrogate mother result in the birth of a child with health problems, she will be liable for damages.

The State strictly regulates adoption procedures. For the adoption of a child, it is necessary to hold a hearing on non-contentious matters with the participation of the guardianship and custodianship authority²⁴, but leaves legal proceedings related to surrogacy within the scope of the private autonomy of individuals. Before 2020, contracts in Georgia were concluded with a private notarial act, on which a notary certified only the parties' signatures. In 2020, as a result of amendments made to legislation, an attempt was made to legally regulate this area. The obligation was imposed to certify a surrogacy contract by a public act. In the case of the certification of an agreement on extracorporeal fertilisation (surrogacy), it became inadmissible to certify the transaction with two different notaries. The parties are obliged to apply to one notary for certifying an agreement on extracorporeal fertilisation (surrogacy), and to sign a notarial act²⁵. A surrogate mother is obliged to personally appear at the notary public's office to sign the agreement. Therefore, surrogacy belongs to the category of rare transactions that cannot be conducted by a representative. In addition, it became mandatory for donors to submit to a notary a donation certificate issued by a medical institution.

In order to prevent surrogacy of convenience, one of the preconditions for a contract is a one-year cohabitation of a couple to prevent the trade and exploitation of a child's organs. A list was also determined, according to which a notary can establish the fact of the actual cohabitation of a couple for the past one year, such as the information and address card certifying the fact of registration at one address, an extract from the public registry certifying the fact of the co-ownership of property intended for common use, a document certifying a religious marriage, or any other public document certifying the fact of the actual cohabitation of the couple. In the case of a failure to submit the certificates/documents certifying those circumstances, or if a notary considers such certificates/documents as unreliable, he/she is obliged to refuse to carry out a notarial action²⁶. It should also be noted that the establishment of the fact of a one-year cohabitation is still an estimate, and the above documents are no guarantee against existing risks.

In order to certify a surrogacy contract, the notary must determine the identity of the parties, the authenticity of the expression of will, and legal capacity, and carry out the actions envisaged by legislation for the certification of a public act. The parties should

24. Order No 71 of the Minister of Justice of Georgia of 31 March 2010 on Approval of the Instructions on the Procedure for Carrying out Notarial Actions, Article 541.

25. Order No 71 of the Minister of Justice of Georgia of 31 March 2010 on Approval of the Instructions on the Procedure for Carrying out Notarial Actions, Article 541(4). Order No 18 of the Minister of Justice of Georgia of 31 January 2012 on Approval of the Procedure for Registration of Civil Acts, Article 19(12).

26. Bogveradze Nino, Problems of Legal Regulation of Surrogacy/Donation at the International and National Level, dissertation thesis, Tbilisi, 0175, Georgia 2017, p. 411.

be informed of the content of the contract and the risks associated with the worsening of the health of a surrogate and a donor. Certification in this way reduces certain risks due to the circumstances that a notary is obliged to balance the interests in the contract and not to allow the dominance of the strong party, although a surrogate mother is still the weak party in surrogacy contracts, because such contracts are mainly drawn up by intermediary companies. The contracts may provide for the limitation of non-property rights and include non-enforceable provisions, for example, the prohibition of sexual relations with the spouse if a surrogate mother is married, etc. It should also be taken into account that the parties to a surrogacy contract are ‘middle and low class’ women who are not familiar with legal matters. Therefore, there is an opinion that the law should determine the parties to, and the validity period, form and main conditions of, a surrogacy contract²⁷. However, the above still implies the transfer of the status of motherhood based on a transaction, which cannot be considered appropriate. Therefore, it is necessary to ensure broad state intervention and to create a legal basis for surrogacy.

5. Rights of a Child Born through Surrogacy

The conservation and freezing of embryos created as a result of artificial insemination, and their free and paid donation, are proof of the participation of embryos in civil circulation.²⁸ If doctrine avers that an embryo has the right to dignity, then the question for consideration is whether the issue of considering the embryo as a proper subject for civil turnover is compatible with that right or not. The answer is negative, as there are risks of a transnational crime of trafficking in frozen embryos or children born through surrogacy and their organs.

For the purposes of protecting the rights of children born through surrogacy, the first right that exists according to international approaches is the right of registration of a child. According to the Convention on the Rights of the Child, the child shall be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality. In Georgia, the registration of the birth of a child born through extracorporeal fertilisation is carried out on the basis of the Law of Georgia on Civil Acts, the Law of Georgia on Health Care, and Article 19 of Order No 18 of the Minister of Justice of Georgia of 31 January 2012 on Approval of the Procedure for Registration of Civil Acts. However, the unconditional right to registration was used by a number of surrogacy companies during the Covid pandemic, when surrogacy contracts were suspended and contract manipulations were carried out guaranteeing the registration of children for contracting couples²⁹.

Children born through surrogacy may be in a kind of discriminatory situation compared to children born otherwise, as under Article 7 of the Convention on the Rights of the Child, every child has the right, as far as possible, to know and be cared for by their parents. This

27. Gelashvili, Irma, dissertation thesis ‘Civil Law Status of a Fetus, 11.5.2012, <https://press.tsu.ge>.

28. <https://www.court.ge>.

29. Decisions of the European Court of Human Rights, X, Y & Z v. the United Kingdom, <http://www.supremecourt.ge>.

right is specific to children born through surrogacy. Not all children born through AID, and their parents, have the right to enjoy natural family relations recognised under Article 8, despite the fact that any exception must be justified in the best interests of the child under Article 2³⁰. However, no consensus has been reached on this issue among the member states of the Council of Europe.

According to the German government, the ‘division of motherhood between two women is also against the interests of the child’. The absence of one of the mothers may pose risks to the personal development of the child, and cause problems when the child learns about his/her identity. It is important to ascertain whether the best interests of the child born through AID are protected by ensuring the anonymity of the donor or by the right of the child to know the identity of the donor with whose sperm the fertilisation had been carried out. Based on these circumstances, the European Court of Human Rights did not find any violation of Article 8 of the Convention in order to prevent eugenic selection, the commercialisation of a woman’s body, the division of the function of motherhood, and the access of the child born through in vitro fertilisation to information related to his/her origin and any stress caused thereby³¹.

Another challenge to the protection of the rights of a child born through surrogacy is the risk of sexual exploitation, torture or inhuman treatment, for the reduction of which, in March 2016, the amendments to the Law of Georgia on Procedures for Departure from Georgia and Entry into Georgia by the Citizens of Georgia, and the Law of Georgia on the Legal Status of Aliens and Stateless Persons, provided that a child born through surrogacy in Georgia can depart from Georgia only if both parents of the child are specified in the birth record. In April 2016, Joint Order No 133-144 of the Minister of Justice of Georgia and the Minister of Internal Affairs of Georgia was issued on the procedures for the departure from Georgia of a child born through extracorporeal fertilisation (surrogacy), according to which the Public Service Development Agency was assigned to register children born through surrogacy in Georgia, to keep a respective database, and to ensure permanent access of the Ministry of Internal Affairs of Georgia to those data. If, at the border checkpoint, a child who is departing from the territory of Georgia does not have a record of ‘entry’ in his/her documents, the database shows that he/she was born through surrogacy and both of the parents are not specified in his/her birth record, or a birth record of the child has not been registered by the Agency, an authorised employee of the Ministry of Internal Affairs will make a decision to refuse the departure of the child from Georgia. However, it should be noted that after leaving Georgia, the State loses control over those children, unlike the case of international adoption³², where states coordinate and monitor the integration of an adopted child into a new family. It is noteworthy that the European Court of Human Rights

30. Decision of the European Court of Human Rights, S.H. and Others v. Austria. Application no. 57813/00, Strasbourg, 1 April 2010.

31. The Law of Georgia on Adoption and Foster Care, the Parliament of Georgia, No 746-III, 4.5.2017.

32. Mennesson v. France, No 65192/11, Labassee v. France No 65941/11, D. and others v. Belgium N29176/13/

also draws a parallel with the adoption procedures in its decision³³. Therefore, it is advisable that the control mechanisms established for international adoption are applied to children born through surrogacy, and that the international community draws up an international act determining the rules of monitoring the lives in families of children born through surrogacy and the cooperation between states in this regard.

6. Summary

Based on the above, in terms of the legal regulation of surrogacy, it is advisable for the legislator to take into consideration the following important issues:

For the legal enhancement and support of the right of motherhood, a legal act should be drawn up, which will determine the components of the right of motherhood and establish the concept of motherhood as an indivisible and inalienable right, which can only be divided based on a court order. In order to prevent the exploitation of a human body in the 21st century, it is advisable to share the European approach and to allow only altruistic surrogacy only for the citizens of Georgia. This will eliminate the risks associated with the taking abroad of children born through surrogacy.

Legal relations arising from surrogacy contracts should be subject to the same regulations as are applicable to adoption (including international adoption) and the transplantation of human organs. In particular, due to the high importance of the issue, the norms regulating surrogacy should acquire public importance and should be subject to judicial control, which in turn will allow the protection of the rights of children and enable them to find out their biological origin if they wish to.

As for the right of motherhood, for its enhancement it is advisable to determine necessary social guarantees, without which it is difficult to fully exercise such right. The mechanisms protecting maternal rights should be strengthened in labour legislation in terms of additional rest time and mandatory compensation for childcare leave. A registry of mothers should be created, in which all mothers having citizenship of Georgia will be registered, and regardless of the number of their children, certain social benefits should be granted to them (e.g. in terms of reduced state taxes). It is also important to create a social platform for mothers who have joined the registry, where they will be able to inform the State of their opinions and needs.

33. The Civil Procedure Code of Georgia, the Parliament of Georgia, No 1106, 14.11.1997.



References:

Normative Acts:

1. The Constitution of Georgia, the Constitutional Law of the Republic of Georgia, No 786, 24.8.1995.
2. The Law of Georgia the Civil Code of Georgia, the Parliament of Georgia, No 786, 26.6.1997.
3. The Law of Georgia on Health Care, the Parliament of Georgia, No 1139, 10.12.1997.
4. The Organic Law of Georgia the Labour Code of Georgia, the Parliament of Georgia, No 4113-რს, 17.12.2010.
5. The Law of Georgia Labour Code of Georgia, No 3132, 25.5.2006 (invalidated).
6. The Civil Procedure Code of Georgia, the Parliament of Georgia, No 1106, 14.11.1997.
7. The Law of Georgia on Adoption and Foster Care, the Parliament of Georgia, No 746-III, 4.5.2017.
8. Order No 18 of the Minister of Justice of Georgia of 31 January 2012 on Approval of the Procedure for Registration of Civil Acts.
9. Order No 71 of the Minister of Justice of Georgia of 31 March 2010 on Approval of the Instructions on the Procedure for Carrying out Notarial Actions.
10. Bogveradze Nino, Problems of Legal Regulation of Surrogacy/Donation at the International and National Level, dissertation thesis, Tbilisi, 0175, Georgia 2017.

International acts:

11. Universal Declaration of Human Rights, 10 December 1948, UN General Assembly.
12. Act for Protection of Embryos (The Embryo Protection Act), Federal Law Gazette, Part I, No 69, issued in Bonn, 19 December 1990, p. 2746.

Research literature:

13. Gelashvili, Irma, dissertation thesis Civil Law Status of a Fetus, 11.5.2012.
14. Tetrauli, Tsitsino, the Problems of Economic Stabilisation in the Modern World and 'Overton Window', Economic Problems of the Modern World, Ivane Javakhishvili Tbilisi State University, the Publishing House of Paata Gugushvili Institute of Economics, Tbilisi, 2020, <http://conferenceconomics.tsu.ge/doc/2020konfint.pdf> I Cleonice CaminoII Lilian GalvãoIII Julian SantosIV Natália PequenoV Anderson MathiasVI, Social representations of mothers about human rights, Arquivos Brasileiros de Psicologia; Rio de Janeiro, 65 (3):

Court decisions:

15. Decision of the European Court of Human Rights, S.H. and Others v. Austria, Application no. 57813/00, Strasbourg, 1 April 2010.
16. Decision of the European Court of Human Rights, Mennesson v. France, (Application no. 65192/11), Strasbourg, 26 June 2014, In re Baby M, 537 A.2d 1227, 109 N.J. 396 (N.J. 02/03/1988), Judgements of the Supreme Court of Georgia, Case No 86-874-866(3-16) 25.4.2017.
17. Decision of the European Court of Human Rights, X, Y & Z v. the United Kingdom, Application No 21830/93, 22.04.1997.
18. Decision of the European Court of Human Rights Dixon v. the United Kingdom, No 44362/04, 4.12.2007. <https://www.court.ge>.